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FEDERAL RECOGNITION OF INDIAN TRIBES

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HEARING
BEFORE THE
SUBCOMMITTEE ON
INDIAN AFFAIRS AND PUBLIC LANDS
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H.R. 13773 AND SIMILAR BILLS (INCLUDING
H.R. 12996)

TO ESTABLISH AN ADMINISTRATIVE PROCEDURE AND GUIDE-
LINES TO BE FOLLOWED BY THE DEPARTMENT OF THE IN-
TERIOR IN ITS DECISION TO ACKNOWLEDGE THE EXISTENCE
OF CERTAIN INDIAN TRIBES

HEARING HELD IN WASHINGTON, D.C.
AUGUST 10, 1978

Serial No. 95-39

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FEDERAL RECOGNITION OF INDIAN TRIBES

THURSDAY, AUGUST 10, 1978

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INDIAN AFFAIRS AND PUBLIC LANDS,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met at 9:45 a.m., pursuant to other business, in room 1310, Longworth House Office Building, Hon. Teno Roncalio (chairman of the subcommittee) presiding.

Mr. RONCALIO. Ladies and gentlemen, the Subcommittee on Indian Affairs and Public Lands will please come to order.

We are meeting today to make a record on H.R. 13773 and similar bills including H.R. 12996 regarding the establishment within the Department of the Interior of certain guidelines and procedures for the acknowledgement of the existence of certain Indian tribes.

Without objection, the proposed legislation, the section-by-section analysis, and department reports will be made a part of the record at this point.

[The bill, H.R. 12996, background on H.R. 12996 and related bills, section-by-section analysis of H.R. 12996, and the departmental report follow.]

(1)

95TH CONGRESS
2D SESSION

H. R. 12996

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1978

Mr. ROSE (for himself, Mr. PREYER, Mr. FOUNTAIN, Mr. WHITLEY, Mr. HEFNER, Mr. ANDREWS of North Carolina, Mr. BROYHILL, Mr. NEAL, Mr. MARTIN, and Mr. JONES of North Carolina) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To establish an administrative procedure and guidelines to be followed by the Department of the Interior in its decision to acknowledge the existence of certain Indian tribes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

SEC. 2. (a) The Congress, after careful study of the history of American Indian policy, finds that:

(1) There are numerous Indian tribes who have not been accorded a Federal relationship, including the services and protections provided pursuant to the Federal-Indian trust responsibility. This failure to acknowledge a Federal relationship with these tribes has

I—O

1 not been premised on grounds of law, justice, or equity,
2 but rather has been due to a lack of clarity and consist-
3 ency in those Federal laws and regulations relating to
4 the standards and criteria upon which this relationship
5 should be based.

6 (2) Failure on the part of the United States to
7 acknowledge a Federal relationship with certain Indian
8 tribes has created confusion regarding eligibility for
9 governmental services, such uncertainty leaving many
10 tribes otherwise eligible for services without adequate
11 governmental assistance.

12 (3) In order to equitably determine which Indian
13 tribal groups are to be included within the Federal-
14 Indian relationship, an administrative procedure and
15 policy guidelines to be followed by the Department of
16 the Interior in its decision to acknowledge the existence
17 of certain Indian tribes must be established. This ad-
18 ministrative procedure shall be equally available to all
19 petitioning groups notwithstanding any prior statutory
20 limitation imposing restrictions or limitations on the
21 eligibility of any such petitioning group under this Act.
22 Acknowledgement of tribal existence must continue to
23 be premised upon the establishment of a government-
24 to-government relationship with Indian tribes.

25 (4) Any mechanism established by Congress must

1 be based upon carefully developed criteria which will
2 afford petitioning tribal groups an opportunity to resolve
3 once and for all the issue of whether they are a tribe
4 entitled to have their existence acknowledged and should
5 be so treated by the United States. Such congressional
6 action shall not entail a diminishment of services and
7 assistance to those tribes whose existence is already
8 acknowledged.

9 SEC. 3. (a) As used in this Act, the term—

10 (1) "Indian" means a member of or a descendant
11 of any North American Indian tribal group or Alaska
12 Native village.

13 (2) "Secretary" means the Secretary of the
14 Interior.

15 SEC. 4. (a) There is hereby established within the De-
16 partment of the Interior a special investigative office (here-
17 inafter referred to in this Act as the "Office"), the duties of
18 which are set forth below in section 4 (b). The Office shall
19 be headed by a Director who shall be appointed by the
20 Secretary, and who shall be compensated at the rate pro-
21 vided for level III of the Executive Schedule pay rates (5
22 U.S.C. 5314). The Director is authorized to appoint and fix
23 the compensation of such employees as may be necessary to
24 carry out the functions of the Office.

1 (b) It shall be the function of the Office, among others,
2 to—

3 (1) contact, within the twelve-month period follow-
4 ing the date of enactment of this Act, all known Indian
5 tribal groups in the United States whose existence has
6 not been previously acknowledged by the Department of
7 the Interior, including those listed in chapter 11 of the
8 American Indian Policy Review Commission report.
9 The Office shall inform all such tribal groups of their
10 right to petition for an acknowledgment of tribal exist-
11 ence by the Federal Government, and shall report the
12 results of its efforts in connection therewith to the ap-
13 propriate committees of the Congress, the Secretary, and
14 the Assistant Secretary for Indian Affairs;

15 (2) solicit statements from unacknowledged tribal
16 groups, provide necessary technical assistance for the
17 preparation of those statements, investigate the petition-
18 ing tribal group's historical background and Indian
19 identity for verification purposes, report findings of such
20 investigation to the Secretary, assist tribes in the organi-
21 zation and enrollment of their members, and refer tribal
22 concerns to the appropriate departments or agencies of
23 the Federal Government; and

24 (3) review all petitions for acknowledgment of
25 tribal existence presently pending before the Bureau of

1 Indian Affairs and to allow the petitioning group to re-
2 vise the petition if necessary to satisfy the guidelines
3 specified in this Act. The priority date of the amended
4 petition shall be that of the original filing date.

5 (c) After receiving any petition for acknowledgment
6 of tribal existence, without regard to the form thereof, the
7 Office shall offer technical assistance to the group to investi-
8 gate its status. Such investigation shall at least include atten-
9 tion to the definitional factors set forth in section 5 of this
10 Act. All correspondence received by the Bureau of Indian
11 Affairs from unacknowledged tribal groups shall be directed
12 to, and routed through, the Office.

13 (d) Within two years of receipt of an Indian tribal
14 group's petition, the Office shall submit a written preliminary
15 report to the petitioning Indian group. Upon receipt of this
16 report, the group shall have six months to respond, including
17 an opportunity to present oral argument to rebut the evi-
18 dence relied upon. The Office shall have thirty days after
19 petitioner's response to prepare a final report to be submitted
20 to the petitioner and the Secretary, such report to be pub-
21 lished in the Federal Register. The Secretary shall endorse
22 or reject the findings of the Office contained in such report
23 within six months following the receipt by him of such
24 report.

25 (e) If the Secretary determines, on the basis of such

1 report, that any such group is an Indian tribal entity within
2 the purview of this Act, the Secretary shall designate such
3 group as a federally acknowledged Indian tribe. Upon the
4 publication by the Secretary of that fact in the Federal
5 Register, such tribe shall be entitled to all the rights, privi-
6 leges, immunities, benefits, and other services which other
7 federally acknowledged Indian tribes are eligible to receive
8 by reason of their status.

9 (f) Any determination by either the Office or the Sec-
10 retary that a group is not entitled to be identified as a
11 federally acknowledged Indian tribe shall be made in writing
12 to the petitioning group and shall specify why the group does
13 not conform to the definitional factors in section 5 of this
14 Act. Any decision by the Secretary shall be reviewable in
15 the United States district court with the burden of proof on
16 the United States to establish that the petitioners do not
17 meet the criteria specified in this Act. Legal fees shall be paid
18 by the United States to any petitioning group whose
19 eligibility under section 5 of this Act is affirmatively deter-
20 mined as a matter of law and fact by the court.

21 (g) A denial of any petition shall not preclude an
22 Indian group from resubmitting a petition at any time in the
23 future.

24 (h) Upon acknowledgment by the Secretary that a
25 petitioning group is eligible under section 5 of this Act, the

1 tribe shall develop a membership roll. The process of deter-
2 mining the roll shall entail public notices, the formation of
3 tribal committees to hear individuals' claims of direct tribal
4 descent of a specified degree, and written statements of en-
5 rollment certification which must be recorded by the Bureau
6 of Indian Affairs as well as by the tribe. At the request of the
7 tribe, the Office shall provide technical assistance for the
8 development of a membership roll.

9 (i) Annual budget requests for appropriations for any
10 fiscal year from the Department of the Interior shall state
11 the funds which have been directed to servicing those tribes
12 whose existence was acknowledged in the preceding fiscal
13 year.

14 SEC. 5. (a) The following definitional factors shall be
15 relied upon by the Office and the Secretary in determining
16 whether a group is an Indian tribe for the purposes of this
17 Act. The group shall conform to factors (1) and (2) and at
18 least one additional factor:

19 (1) the group has been identified as "Indian, Na-
20 tive American, or Aboriginal" for a protracted period of
21 time, but in any event at least since enactment of the
22 Indian Reorganization Act of 1934. Such longstanding
23 Indian identity may include identification as a division
24 of, combination of, or confederation with, other specific
25 Indian tribes. Evidence to be relied upon in determining

1 the group's longstanding Indian identity shall include
2 but not be limited to any of the following:

3 (A) repeated identification as Indian by Fed-
4 eral authorities;

5 (B) longstanding relationships with State gov-
6 ernments based on identification of the group as
7 Indian;

8 (C) repeated dealings with a county, parish, or
9 other local government in a unique relationship
10 based on the group's Indian identity;

11 (D) identification as Indian by records in
12 courthouses, churches, or schools;

13 (E) identification as Indian by anthropolo-
14 gists, historians, or other scholars;

15 (F) identification as Indian in newspapers and
16 books;

17 (G) any other evidence deemed relevant by
18 the Office or the Secretary.

19 (2) the group exhibits evidence of a longstanding
20 tribal political influence or other authority over the
21 members of the group. This evidence shall show that
22 the group has exercised political influence or other au-
23 thority over its members through a tribal council or
24 other structure or method which the group has used as
25 its own form of government or as a means of making

1 group decisions or to determine its membership:
2 Such evidence shall include traditional social or political
3 structures or organizations unique to the group.

4 (3) the group utilizes an identified American
5 Indian language or shows other clear indications of
6 Indian cultural retention.

7 (4) the group has held collective rights in tribal
8 lands or funds, whether or not it was expressly desig-
9 nated a tribe.

10 (5) the group has been treated as an Indian tribe
11 by other Indian tribes or groups. This factor may be
12 evidenced by written statements from presently ac-
13 knowledged tribes stating that they have related to the
14 unacknowledged tribal group for purposes connected
15 with any intertribal activity.

16 (6) the group has had treaty relations with the
17 United States, particular States, or preexisting colonial
18 or territorial governments. "Treaty relations" shall in-
19 clude any formal relationship based on a government's
20 acknowledgment of the Indian group's separate or dis-
21 tinct political status. Satisfaction of this criterion shall
22 be prima facie evidence of entitlement to Federal
23 acknowledgment.

24 (7) the group has been identified or referred to as
25 an Indian tribe or designated as Indian by an Act of

1 Congress or Executive order which may have provided
2 for, or otherwise affected or identified the rights, govern-
3 mental structure, jurisdiction, or property of the tribal
4 group. Designation of a group as Indian by such Act
5 of Congress or Executive order shall be prima facie
6 evidence of entitlement to Federal acknowledgment.

7 (b) The Secretary shall have the authority to acknowl-
8 edge any group which he determines is Indian.

9 SEC. 6. Upon enactment of this Act, the Secretary shall
10 publish in the Federal Register a list of all federally acknowl-
11 edged Indian tribes, such list to be updated and published
12 annually.

13 SEC. 7. There are hereby authorized to be appropriated
14 such sums as may be necessary to carry out the provisions of
15 this Act.

BACKGROUND ON H.R. 12996 (AND RELATED BILLS)

The purpose of H.R. 12996 is to establish procedures and general guidelines to be followed by the Department of the Interior in recognizing or acknowledging the existence of certain Indian tribes.

There currently exists in the United States approximately 280 Federally recognized Indian tribes. Another 100 tribes, bands or tribal groups may have some form of State recognition. A majority of these tribal groups were among the first to have contact with the white settlers during colonial times, and many of these tribes can be found in the original 13 colonies.

Federal recognition of the fact that a Federal-Indian Tribe relationship exists or has existed has generally been based on whether, at some point in history, the Government of the United States had a formal political relationship—government to government—with an Indian tribe through a treaty agreement, correspondence, enactment of legislation concerning a specific tribe, extension of services or other administrative action by Federal officials.

At the present there are approximately 45 petitions for Federal recognition pending in the Department of the Interior from various tribal groups across the country. Some of these petitions have been pending for some time.

The American Indian Policy Review Commission, established by the 94th Congress, devoted one of its task force reports to the problems of the non-recognized tribes. The Commission in its final report recommended the establishment of an affirmative policy, including a specific procedure and a set of criteria, within the Department of the Interior for the acknowledgment of the existence of such tribes.

On June 16, 1977, the Department of the Interior published proposed regulations on Federal Acknowledgment of the existence of an Indian group as a tribe. At the end of the 90 day comment period, the Department had received 70 written comments in addition to numerous phone calls and visits from interested parties.

In March of 1977, the National Congress of American Indians sponsored a national conference on the Federal Recognition question for the purpose of bringing together the leadership of federally recognized tribes and the leaders of the non-recognized tribes in an attempt to reach some degree of mutual understanding. The Conference reached a consensus on several points including (a) that the failure of the United States to establish and maintain a consistent policy for the acknowledgment of the existence of Indian tribes has led to a great deal of inequity among Indian tribes, and (b) that the extension of recognition to tribes not now recognized should not lead to a diminishment of services to currently recognized tribes. Additional service population need to be reflected in additional appropriations.

As a result of the numerous comments received from tribes, individuals and national Indian organizations during the comment period, the Department thoroughly revised and rewrote its proposed regulations, and, on June 1, 1978, new proposed regulations for Federal Recognition were published in the Federal Register. The forty written comments received before the end of the comment period were generally favorable.

The need for the present legislation emerges from the fact that, while the Secretary has continuously maintained that he currently has the authority to recognize that a Federal-Indian relationship exists, little has been done in the preceding 20 years to deal with the numerous petitions and appeals from Indian groups received during that time.

H.R. 12996 and similar bills would establish a special Office which would have the responsibility to contact known tribal groups, render assistance and advise in the petition process, review petitions submitted and make a determination in each case. The legislation gives the Secretary the authority to make such determination based on specific criteria to be met by the tribal groups. The bills further provide that a separate appropriation request be made within the DOI budget for services to newly recognized tribes.

The administration does not support the enactment of this legislation on the basis that the necessary authority already exists for the Secretary to recognize Indian tribes.

This legislation does not deal with the reestablishment of tribes which were "terminated" through specific Acts of the Congress.

SECTION-BY-SECTION ANALYSIS OF H.R. 12996

Section 1

Other than the enacting clause, the bill contains no section 1.

Section 2

Section 2 contains Congressional findings with respect to Federal practices and procedures on extending Federal recognition to Indian tribes.

Section 3

Section 3 defines the term "Indian" and "Secretary" for purposes of the bill.

Section 4

Subsection (a) provides for the establishment of a special investigative office in the Department of the Interior under a Director appointed by the Secretary of the Interior.

Subsection (b) provides that the function of such Office shall be to contact tribal groups within the United States who have not been previously recognized by the United States and to solicit statements from unacknowledged tribes for the purpose of filing petition for Federal recognition and to review pending petitions before the Bureau of Indian Affairs by Indian groups for Federal recognition.

Subsection (c) directs the Office to provide technical assistance to Indian groups, who have so petitioned, to investigate its status as an Indian tribe.

Subsection (d) establishes the procedures by which the Office shall receive and consider such petitions, including oral arguments by the petitioners, and directs the Office to submit its report to the Secretary of the Interior for his approval or disapproval.

Subsection (e) provides that, if the Secretary determines any such petitioning group is an Indian tribe, he shall designate such group as a federally recognized Indian tribe and, upon publication of that designation in the Federal Register, the tribe shall be entitled to all services, benefits, etc., made available to federally recognized tribes.

Subsection (f) provides that the Secretary shall notify any group of his disapproval and that his decision may be appealed to the District Court with the burden of proof on the United States. If the court upholds the eligibility of the group, the United States is to pay the legal fees of the group.

Subsection (g) provides that a denial shall not prohibit the group from submitting another petition in the future.

Subsection (h) provides for the development of a membership roll of any group to which Federal recognition is extended under the terms of this bill.

Subsection (i) provides that the annual budget request of the Interior Department shall indicate the funds which have been directed to serving groups recognized in the previous fiscal year.

Section 5

Subsection (a) sets out the factors which the Office and the Secretary shall use in determining whether a group should be federally recognized, including identification as "Indian, Native American, or Aboriginal", with the kinds of evidence necessary to establish such identification; longstanding tribal political influence over members of the group; use of a tribal language and other cultural retention; collective rights in tribal land or funds; treatment as an Indian tribe by other Federally recognized tribes; treaty relations with the United States, particular States, or colonial or territorial governments; and identification as Indian in some Act of Congress or Executive Order.

Subsection (b) provides that the Secretary shall have authority to acknowledge any group he determines to be Indian.

Section 6

Section 6 provides that, upon enactment of this bill, the Secretary shall annually publish a list of all federally recognized tribes.

Section 7

Section 7 authorizes such sums as may be necessary to carry out the provisions of this Act.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 8, 1978.

HON. MORRIS UDALL,
Chairman, Interior and Insular Affairs Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on identical bills H.R. 11630, H.R. 12691, H.R. 12830, H.R. 12996, "To establish administrative procedure and guidelines to be followed by the Department of the Interior in its decision to acknowledge the existence of certain Indian tribes."

We recommend against enactment of these bills.

These bills would establish an office within the Department of the Interior which would be responsible for contacting all known tribal groups and informing them of their right to petition the Federal Government for acknowledgment that the group exists as a tribe. That office would then review all such petitions of acknowledgment in accordance with standards set forth in section 5 of the bills.

The Department of the Interior is currently in the process of developing administrative regulations on the Federal acknowledgment question. We expect to have these published in final form in the near future. We would not object to a bill which specifically confirms the Secretary of the Interior's authority to recognize additional Indian groups. While we believe that the Secretary has that authority, under 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), there is no specific legislative authorization.

There are several basic concepts embodied in these bills which would make it difficult, if not impossible, to administer. These bills, establish a separate office in the Secretariat to consider and process petitions for Federal acknowledgment of Indian groups. While we agree that there should be a separate and distinct office for handling Federal acknowledgment matters, we feel that it can and should be established within the existing administrative framework of the Bureau of Indian Affairs. Aside from the additional expense required to establish an office, we believe that it is an unnecessary and wasteful duplication of personnel, since much of the needed expertise is currently within the Bureau.

Section 4(d) of these bills also presents a number of problems. First, the subsection provides for the submission of a written preliminary report to the petitioning Indian group and allows that group an opportunity to rebut the evidence relied upon in the report. It is not clear from the subsection whether the written preliminary report is to be available to parties other than the petitioning group. There may be other Indian tribes or state or local governments and even other agencies within the Federal Government which will allege that they have an interest in the determination of whether a group constitutes a tribe. In order to avoid future endless litigation, any recognition procedure should clearly state whether other parties are going to be permitted to participate in the decision-making process.

Second, this subsection provides for the presentation of oral argument by the petitioning group to rebut the evidence relied on in the report. It is not clear to whom the argument is to be made or whether it is to be a more formalized presentation which would permit the staff from the office or others to cross-examine. If other parties are to be allowed an opportunity to comment on the preliminary report, it is particularly important that a thoroughly structured procedure be established for the presentation of oral argument. We would recommend that in any acknowledgment procedure, the Secretary adopt rules and regulations governing the oral argument if parties other than the petitioning group are to be allowed to participate in the decision-making process.

Third, the last sentence of this subsection indicates that the Secretary shall "endorse or reject" the findings of the office. If the Secretary is to reject the findings of the office, the question is what basis can the Secretary use for rejecting the findings of the office. Any recognition procedure needs to spell out with great clarity what the Secretary is entitled to consider in either endorsing or rejecting the findings of the office.

It is also essential that any procedure explain what happens if the Secretary rejects the findings of the office. Under the proposed legislation, if the Secretary rejects the findings, presumably his only alternative is to send the matter back for additional study and a time limitation for this additional study should be set forth. There would appear to be no valid basis for permitting the Secretary to reject the findings of the office and proceed to a decision contrary to the findings of the office.

Subsection 4(f) of these bills also presents a number of problems. The first sentence of this subsection refers to any determination by "either the office or the Secretary." This language suggests that the office has authority to make a "determination" that a group is not an Indian tribe. Subsection (d) provides only that the office shall submit a written preliminary report, not a "determination," to the petitioning group. The language in subsection (f) is either surplusage or has some new meaning. Under general rules of statutory interpretation, every word is intended to have some meaning. Accordingly, this language is presumed to have some meaning but that meaning is not clear. This section also mandates that the Department affirmatively seek out and assist groups which may be interested in Federal acknowledgment, thus tactily placing the burden of acquiring new service groups (or tribes) on the Department. Further, in the event of an unfavorable decision, it would be reviewable by the United States District Court. The burden of proof in the court would then be on the Department to prove that petitioners do not exist as Indian tribes. To prove such a negative assertion is extremely difficult. We strongly believe that the initiative and the burden of proof should be on the petitioning group. We also feel that a system of administrative appeals should be available before the matter is placed in the court system.

Subsection 4(g) of these bills permits the resubmission of a petition at any time after a denial. We believe that the resubmission of any petition previously denied should be conditioned on the availability of substantial additional information. Failure to provide substantial additional information should be an adequate basis for summarily denying the petition. The lack of such requirement would encourage groups simply to resubmit the same inadequate petitions repeatedly.

Subsection 4(h) provides that upon certification by the Secretary that a group is an Indian tribe, the tribe shall develop a membership roll. While we believe that every tribe should develop a membership roll, we do not believe that the development of such a roll should wait until certification by the Secretary. One of the essential elements of being an Indian tribe is the exercise of some political or governmental authority over the members of the tribe. It is also essential that the members of an Indian tribe share a sense of social solidarity. If a group cannot define with a reasonable degree of specificity who its members are, it is unlikely that they will be able to establish the existence of some governmental authority over those members or that it will be able to establish a sense of social solidarity. Accordingly, in the proposed regulations published by the Bureau of Indian Affairs governing the determination of the existence of Indian tribes, the petitioning groups were required to provide a list of their members. Any such list submitted as part of the petitioning process need not be a final membership list. It is important, however, that the groups establish at least a tentative membership list before the Secretary makes a decision on whether or not the group is an Indian tribe.

Subsection 5(a)(1) of these bills requires that a group must have been identified as Indian, Native American, or aboriginal consistently and for a protracted period, at least since the enactment of the Indian Reorganization Act of 1934 in order to be determined an Indian tribe. The choice of this date appears to be arbitrary. The way the subsection is presently worded it would appear to suggest that identification as an Indian tribe for more than 44 years might be sufficient to qualify as a tribe. It is extremely doubtful, that a group which has been identified as Indian consistently only since 1920, for example, would qualify as an Indian tribe even though that is a period of 58 years. See *United States v. Sandoval*, 231 U.S. 28 (1931).

Subsection 5(a)(2) of these bills requires that there be evidence that the group has exercised political authority over its members through a "tribal council or other structure." We believe the "structure" carries too strong a connotation. Depending on a particular group involved, the governmental authority may be exercised by a single leader or simply several individuals with few or no formal procedures. The governmental authority exercised by a leader or leaders and which is accepted by the members of the group is no less real political authority even though it lacks permanent institutions or procedures.

Subsections 5(a)(6) and (7) state that if a group had treaty relations with the United States or if it was identified as an Indian tribe by an Act of Congress or an Executive Order that fact shall constitute *prima facie* evidence of tribal existence in this context. Presumably, a tribe meeting either of these criteria would still have to satisfy factors (1) and (2) of subsection (a). If the intent of this language is to raise a presumption in favor of tribal existence notwithstanding all other factors,

I believe it is an improper criterion. It fails to take into account the important fact that Indian tribes are living institutions which evolve, change, and sometimes disappear for any number of reasons.

In view of the problems raised above and the fact that we are currently in the process of developing recognition standards, we cannot support the enactment of these bills (H.R. 11630, H.R. 12691, H.R. 12830 and H.R. 12996).

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICK V. LAVIS,
Acting Assistant Secretary, Indian Affairs.

Mr. RONCALIO. The legislation before us today is sponsored by Charles Rose and the entire delegation of North Carolina, Mr. Preyer, Mr. Fountain, Mr. Whitley, Mr. Hefner, Mr. Andrews, Mr. Broyhill, Mr. Neal, Mr. Martin, and Mr. Jones.

In order to speed up the process, we have agreed to begin the hearings on this legislation now, although I do not believe that this could move up to full consideration this year. We have done a tremendous amount of work in 2 years in this subcommittee but I do not see how things can move much faster.

There exists today all over the country a number of Indian tribal groups that have, through historical accident, no formal relationship with the U.S. Government at this time. Whereas 40 or 60 years ago, there would have been an avoidance to set up this relationship, today there seems to be a determination to establish that relationship, if it can include a certain existence for those people that need it.

There is today no viable process whereby such groups can petition the U.S. Government for recognition and receive a timely determination whether or not they should in fact be entitled to recognition.

We will begin the process now. Mr. Fountain, will you please take your seat.

[The prepared statement of Hon. L. H. Fountain may be found in the appendix.]

STATEMENT OF HON. L. H. FOUNTAIN, A U.S. REPRESENTATIVE FROM THE STATE OF NORTH CAROLINA

Mr. FOUNTAIN. I might say Congressman Rose and I were together last night and he told me that I may speak first since I am involved in a markup of the education bill in Government Operations.

I want to thank the chairman for giving me this opportunity to come and appear in support of H.R. 12996, which I cosponsored with Congressman Rose and a number of others.

I want to voice my support of this bill to establish an administrative procedure and guidelines for the Department of the Interior to follow in granting Federal recognition and all concomitant services, rights, privileges, immunities, and benefits to unrecognized Indian tribes. I am pleased to be a cosponsor of this legislation and urge its enactment at the earliest possible time.

This legislation is long overdue and is necessitated by the fact that there has never been, and is not, a clear, consistent, and uniformly applied policy regarding Federal recognition of Indian tribes. Since Federal recognition has been, and is, used as the criterion for extension of most special services granted to Indians, such a consistent and uniformly applied policy in granting such recognition is essential

both to a sense of fairness and to the economic well-being of the unrecognized tribes.

Many Indian tribes—nearly 300—are recognized by the Federal Government and receive Bureau of Indian Affairs and other Federal agency services, together with the numerous other benefits, privileges, and immunities which attend Federal recognition. At the same time, however, more than 100 tribes, according to the American Indian Policy Review Commission, do not enjoy recognized status and thus are ineligible for most Federal Indian services, benefits, and privileges. This is thorough no fault of their own, but rather owing to the vagaries of fate and the inconsistencies which have characterized Federal policy with regard to the granting of such recognized status to Indian tribes by the Department of the Interior.

Recognition was initially a *de facto* condition growing out of treaty relationships which certain tribes had with the Federal Government, or from the fact that certain tribes had concluded agreements with the Federal Government, had been mentioned in Federal statutes or executive orders, or had otherwise dealt in some formal way with the Federal Government. But, as the American Indian Policy Review Commission noted in its final report, submitted last year to Congress:

The distinction (heretofore drawn) between the status of recognized and unrecognized tribes seems to be based merely on precedent—whether at some point in a tribe's history it established a formal political relationship with the Government of the United States. The procedure was subject to an accident of history.* * *

The special Federal-Indian relationship usually was established by treaties. There are tribes, however, which have no treaties and receive services from the BIA; and there are tribes which signed treaties but do not receive services.

Congressional measures mentioning a specific tribe often are used as the basis for a tribe's special relationship with the U.S. Government, but there are tribes mentioned in legislation that receive no Federal attention * * * (and) tribes which never were mentioned in legislation that receive services * * *.

In addition, the concept of "recognition" as a prerequisite for a tribe's eligibility to receive many special Federal Indian service is not grounded in statutory law. As noted by the American Indian Policy Review Commission:

There is no legal basis for withholding general services from Indians, with the sole exception of specific termination acts. There is no legitimate foundation for denying Indian identification to any tribe or community.

H.R. 12996 would, thus, provide a uniform procedure and specific guidelines to be used by the Department of the Interior in extending recognition to qualified unrecognized tribes, and explicitly make such tribes eligible for all special Federal services and benefits which other federally acknowledged Indian tribes are eligible to receive by reason of their status.

If Mr. Rose comes in, I shall yield to him.

H.R. 12996 would provide for the orderly establishment of a Federal-Indian relationship with all legitimate tribes and would obviate the existing problem which denial of services on the basis of nonrecognition has created. Such recognition would, in effect, acknowledge the existence of such tribes as valid, *bona fide* Indian tribal entities, and correct the "accidents of history" whereby deserving tribes have been denied such recognition. Ambiguity and inconsistency in extending Federal recognition would be banished in favor of a clearly defined policy, equally applied to all Indian groups.

Specifically, H.R. 12996 would provide the authority and the mechanism for establishing a uniform system of guidelines and procedures for the Department of the Interior to use in determining the status of all presently unrecognized tribes, and by providing the Secretary of the Interior with the authority to extend such recognition when warranted. H.R. 12996 would, additionally, explicitly declare the eligibility of all recognized tribes for special Federal services, rights, privileges, benefits, and immunities accorded Indians because of their status as Indians.

I will skip today because of time.

This legislation is of particular interest to me and to my constituents. There are several unrecognized Indian tribes in North Carolina, which are represented here today. I am pleased to see in attendance at this hearing, Chief W. R. Richardson, chief of the Haliwa Indian Tribe of Halifax and Warren Counties. Chief Richardson represents the interests, I am sure, of all unrecognized tribes in North Carolina, and elsewhere, who deserve the full benefits of recognition and whose just cause I put forth today.

On behalf of the Haliwa Tribe, the other unrecognized Indian tribes of North Carolina, and all deserving unrecognized tribes, I state my full support for this legislation as a long overdue expression of the commitment of the United States to its Indian citizens, and to establish a consistent, fair, and evenhanded policy in implementing that commitment with regard to Federal recognition.

I would like to close, Mr. Chairman, by commending my distinguished colleague, Congressman Rose, for taking the initiative in introducing this legislation. It was a pleasure for me to join with him and many others in sponsoring this legislation.

Mr. RONCALIO. Thank you very much. We will have the whole statement appear in the record.

Charlie, you are welcome to come to the table.

STATEMENT OF HON. CHARLES ROSE, A U.S. REPRESENTATIVE FROM THE STATE OF NORTH CAROLINA

Mr. ROSE. Thank you, Mr. Chairman. I appreciate very much your allowing the dean of the North Carolina delegation, Congressman L. H. Fountain, to present his testimony. I appreciate Congressman Fountain's support of H.R. 12996 as well as the support of Richardson Preyer, Mendel Davis, Congressman James Martin, Congressman Ike Andrews, and others of my colleagues that are in support of this legislation.

Mr. Chairman, I have a written statement by Congressman Richardson Preyer, a written statement by Congressman Ike Andrews, a written statement by Mr. Roy Maynor of the Cumberland County Indian Association. These are from my home county in North Carolina.

Mr. RONCALIO. Would you like those admitted into the record?

Mr. ROSE. Yes; plus three other statements from groups in Warroad, Minn.; Grafton, Mass.; and Indian Neck, Va., which I would like to offer for the record if that is possible.

Mr. RONCALIO. We are happy to have them.

[The documents referred to may be found in the appendix.]

Mr. ROSE. Mr. Chairman, I am proud to say that I have in my congressional district more Indian people than any other congressional district east of the Mississippi.

Mr. RONCALIO. You have more Indians in your district than any other congressional district east of the Mississippi?

Mr. ROSE. Yes. There are 40,000 Indians in the Seventh Congressional District in North Carolina. Far and away the largest number are Lumbee Indian people that live in Robeson County and adjoining counties. The Waccamaw Sioux, Tuscarora, and there are several groups in addition to those that I have mentioned.

Quite a rich and interesting history surrounds the Lumbee Indian people. In 1953, the State of North Carolina recognized the Indian people of Robeson County as Lumbee Indians.

Congressman Ertell Carlyle, who was my predecessor several years back, introduced a bill in Congress reciting what had taken place in the State of North Carolina in granting Federal recognition, to the Lumbees of North Carolina. But the last line of the so-called Lumbee recognition bill said that nothing in this act shall give these Lumbee Indians any of the rights and privileges enjoyed by American Indians generally.

Mr. RONCALIO. That was great recognition.

Mr. ROSE. That was great recognition. The large print gave and the small print took away. You could use that as a pretty strong argument that you are very much a second-class citizen, a second-class American, by that kind of a statement. You are an Indian but you are not an Indian.

So I, during my 6 years in the Congress, have tried to find a way to help with this problem of recognition. We introduced legislation in one of my earlier terms in the Congress to remove that last line. It had passed the House on the Consent Calendar. It went to the Senate and objections were raised in the Senate Interior Committee and there it sat.

What we have here, Mr. Chairman, in H.R. 12996, is a version of legislation that Senator Abourezk came up with in the Senate that he thought would fly in that body. I have worked with Senator Abourezk's basic document and with the large group of people that you have here today and have come up with some suggestive amendments which I have actually introduced as a clean version of H.R. 12996.

I have that before you, not as H.R. 12996, but for your consideration.

Mr. RONCALIO. When are you dropping it in the hopper?

Mr. ROSE. It has already been dropped.

Mr. RONCALIO. What is the number?

Mr. ROSE. I do not have the number but I will get that to your staff. But those amendments have been agreed to in principal by Senator Abourezk as well.

Two basic points that I would like to make and then I will put aside. They are that the Indian people in the East do not have the kind of examples of Indianness that the people in the West that are Indian have for some very simple reasons. I will be the first to admit that during the early stages of the settlement of this country, when the white man was taking the lands that had originally belonged to the

Indian people, there were no such niceties as treaties and reservations. The white man was moving at a rather rapid pace across this country.

When they came through North Carolina and moved on through Tennessee and across the Mississippi River and then out into the West, only then, when he got out into the Western part of this country, did he start talking about having treaties and placing people on reservations and keeping records of them and their ancestry so we could record, in the minutist thought of detail, the degrees of Indianness that we felt existed.

But the Indian people in Robeson County have sat in the Indian sections of the movie houses. They have gone to the Indian schools. They have drunk from the Indian water fountains, and they have understood all the other segregated forms of life that formerly existed in the South. Their birth certificates cite the fact that they are Indians. They do not want any more money from the Federal Government. They do not want programs established for them that they are not receiving benefits from today as State or nonreservation Indians.

Maybe the draftsmanship has not been done. But somewhere down the line we may have to come up with some language better than that which I have recited to you that existed in the 1946 so-called Lumbee Act that makes that point clear. Until we do, our brothers and sisters on reservations are going to have serious trouble with legislation allowing nonreservation Indians the kinds of recognition that we are talking about in this bill. I think that problem can be overcome. If the House and Senate can get together on language that understands we are not talking about admitting these people to new money situations, to new appropriations, or that we are trying to take away dollars that reservation Indians are receiving today. We have to call upon the wisdom of Solomon to come up with that kind of compromise.

It is sad to the furthest degree for me to watch Indians that are on reservations battling with Indian people who are not on Indian reservations out of a concern that the limited funds will be further diluted by nonreservation Indians once they achieve Federal recognition.

That is not what I want. I do not want that to occur. That is not what the people I represent want to occur. If we are clever we can solve that problem.

But they want to be recognized as Indian people by their Government, the Government that they are a part of, the Federal Government. If this Congress—the House and the Senate—can be responsive to that, I think we will have done our duty.

I appreciate very sincerely your holding this hearing at a time that is so busy. I will not forget your courtesy in doing that. I appreciate allowing so many witnesses to be here today. I am pleased that our colleague, Congressman Richardson Preyer, whose statement I just passed to the front, has arrived. I would like to have him recognized.

Mr. RONCALIO. Thank you very much. We are hoping to make a record and receive what is to be offered by all that are here today and do what we can in this regard.

[The amendments offered by Hon. Charles Rose to the bill, H.R. 12996, may be found in the appendix.]

[The prepared statement of Hon. Richardson Preyer may be found in the appendix.]

STATEMENT OF HON. RICHARDSON PREYER, A U.S. REPRESENTATIVE FROM THE STATE OF NORTH CAROLINA

Mr. PREYER. Thank you, Mr. Chairman. I will submit my statement for the record. I want to express, like Mr. Rose, our appreciation for holding these hearings.

I want to endorse what Congressman Rose has said on the subject and commend him for the leadership role he has taken in this. I think he has expressed the position that the Indians in North Carolina feel, far better than I could on that.

I just want to say that our State does have a very large Indian population. We ran fifth in the country, I believe, and the numbers in the nonrecognized tribes have suffered due to their inability to get access to services that have been afforded others.

I endorse this bill and I believe it meets the needs of the nonrecognized tribes and balances it fairly with the recognized tribes.

I thank you for holding these hearings and I will submit my statement for the record.

Mr. RONCALIO. It is already in the record.

Let me ask a couple of questions. Does North Carolina have recognized tribes?

Mr. ROSE. Yes; we do have recognized tribes. This might be a good time, if you will allow me to recognize James B. Charles who is chief ombudsman from the Governor of North Carolina's office.

Mr. RONCALIO. Welcome.

Do you have reservations? Do you actually have those in North Carolina?

Mr. ROSE. In the western part of the State, the Cherokee have a reservation.

Mr. RONCALIO. The Cherokee that were not pushed to Tennessee and stayed on the east coast. I would very much like to have the new bill number.

Mr. ROSE. The new bill number is 13773 and here it is with some suggested changes.

Mr. RONCALIO. These are the amendments that Senator Abourezk feels would help him move faster with this bill?

Mr. ROSE. Yes; I personally went over these suggested changes in Senator Abourezk's bill and Senator Abourezk agreed to that in my presence to change these.

Mr. RONCALIO. Is it the typed rather than the printed amendment?

Mr. ROSE. That is exactly right.

Mr. RONCALIO. Thank you both very much.

Our next witness is Rick Lavis, Deputy Assistant Secretary for Indian Affairs of the Department of the Interior.

STATEMENT OF HON. RICK C. LAVIS, DEPUTY ASSISTANT SECRETARY FOR INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY SCOTT KEEP, SOLICITOR'S OFFICE, U.S. DEPARTMENT OF THE INTERIOR; AND JOHN SHAPARD, TRIBAL GOVERNMENT SPECIALIST, BUREAU OF INDIAN AFFAIRS

Mr. LAVIS. I have with me today John Shapard and Scott Keep from the Solicitor's Office. Mr. Shapard is the author of the regulations the Department is now in the process of reviewing.

Mr. RONCALIO. I have your statement. We will be happy to have it in the record.

Mr. LAVIS. I would be happy to briefly summarize this, Mr. Chairman.

I think basically our position is that we are opposed to the enactment of this particular, individual bill as far as establishing an office in the Department of the Interior. We believe the existing structure in the Bureau of Indian Affairs is competent and capable of carrying this out.

Mr. RONCALIO. You feel that you can make recognition for the tribes without statutory requirement of Congress?

Mr. LAVIS. We are operating on the assumption that the statutory authority already exists.

Mr. RONCALIO. Would you give us a quick citation now of that?

Mr. LAVIS. Mr. Keep from the Solicitor's Office can give that to you.

Mr. KEEP. Mr. Chairman, it is from a general interpretation of the various laws including the *Passamoquoddy* case and also the Indian Reorganization Act and the way that has been implemented.

Mr. RONCALIO. You go back to the basic acts that you have already by statute from 1832 forward, the right to recognize whatever Indians you find in existence and that is by treaties or agreements or funding; is that right?

Mr. KEEP. That is right. The Department also takes the position that sections such as 25 United States Code, sections 2 and 9, giving the Secretary and the Commissioner of Indian Affairs responsibility for Indian affairs gives him the authority to determine who is encompassed in that category.

Mr. RONCALIO. We will put this in, reading from section 2, title 25. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arriving out of Indian relations.

Mr. KEEP. Mr. Chairman, I believe that the section giving the Secretary of the Interior the authority to manage Indian affairs is in title 43 of the United States Code and my recollection is that it is something like 1453. It is one of the latter sections.

Mr. RONCALIO. We will have a look at it.

Staff asks that there have been 45 requests for recognition. How many have been granted in the last 25 or 30 years? Any at all?

Mr. KEEP. You say in the last 25 years? Yes, there have been a number that have been granted recognition. I believe in 1974, Senator Jackson made an inquiry of the Department and the Department responded listing, I believe, nine tribes. Several of those include the congressional acts for a variety of reasons. But four of them were done as administrative interpretations that they were indeed Indian tribes. Those were the Mikasi Sioux in Florida, the Sault Ste. Marie group in Michigan, and I cannot remember the others.

Mr. RONCALIO. Considering the legal liability significance of the word "tribe" on the U.S. Supreme Court decision, do you feel that you are reluctant to determine that any one is a tribe unless the U.S. Supreme Court has determined it because of the *Passamoquoddy* case?

Mr. KEEP. I do not think so.

Mr. RONCALIO. You do not think that has held you up?

Mr. KEEP. No. There was a time when, which you are probably aware of, Congressman, that the Department's interest in the need for this was sparked because of the lawsuit in Washington.

Mr. RONCALIO. My colleague, Mr. Meeds, reminds me of that every other week.

Mr. KEEP. At that time, the Department became increasingly aware of the need to develop uniform standards. At that time, the Department made a decision to hold in abeyance any action on any of the petitions. A number came in right on the heels of that case until we had some further clarification in order that we could treat all people with the same uniform standards.

Mr. RONCALIO. OK. Go ahead.

Mr. LAVIS. That is basically our statement.

Ms. FOSTER. The Department issued proposed regulations on June 1, 1978. When do you expect those regulations to be finalized?

Mr. LAVIS. It is our expectation that we will have it finalized for publication in the Federal Register some time later in August. That process has already begun. Mr. Shapard has already begun that in his office.

Ms. FOSTER. This is August 10. If the chairman would be willing to keep the record open for 2 weeks, is there any way we can get them included in the record?

Mr. LAVIS. I do not want to commit us to the long process in the Bureau.

Mr. RONCALIO. We would like it. We will keep it open for 2 weeks.

Ms. FOSTER. With the published regulations, which I assume will be similar to the proposed regulations, how long of a time period do you think it will take the Department with this review vehicle? Is it 45 or more tribes that have pending petitions?

Mr. SHAPARD. We anticipate being able to process approximately 20 to 25 petitions a year.

Mr. RONCALIO. Two years' work.

Ms. FOSTER. How long have these 45 been pending?

Mr. SHAPARD. The bulk of them have been pending since about 1974, 1975. There were some in the early 1970's and then a few, very few, that have been pending for a very long time. We have some inquiries from Indians in Robeson County as early as 1935, not a formal petition. They also contacted the Department and asked for help in 1888.

Ms. FOSTER. Could you supply for the record a list of the tribes whose petitions are now pending?

Mr. SHAPARD. Yes, we can.

Mr. JACKSON. Have any of you had an opportunity to review the new bill which was referred to, H.R. 13773?

Mr. LAVIS. No.

Mr. JACKSON. Would you be able to submit some addenda to your testimony today including some comments on this new draft?

Mr. LAVIS. Yes, we will be happy to.

Mr. RONCALIO. You do not wish to qualify your objection to this bill any more than you feel is redundant and necessary, that the machinery is already in existence?

Mr. LAVIS. We believe the regulations we are proposing will give us the best mechanism to identify those tribes to be recognized.

Mr. RONCALIO. You feel we have already the administrative procedures and guidelines for the Department and you already have the

capability of acknowledging the existing tribes? You do not need a bill?

Mr. LAVIS. That is what we are saying.

Mr. RONCALIO. I guess I do not have anything more to ask you. You made it quite clear and unequivocal. We appreciate your coming. We would like to see that list.

Mr. LAVIS. We would be happy to supply that.

Mr. RONCALIO. We will keep the record open for 2 weeks for the regulations and the comments.

I do not even have a printed copy of the bill. You may get one from Mr. Rose or his staff.

[The prepared statement of Hon. Rick Lavis, excerpt from the Federal Register, part 54, "Procedures for Establishing that an American Indian Group Exists as an Indian Tribe," and alphabetical listing of Indian groups may be found in the appendix.]

Mr. RONCALIO. Next we have a panel, panel No. 1, consisting of Mr. Adolph Dial, chairman of the Department of American Indian Studies, Pembroke State University; Mr. Roy Maynor; Mr. Sammy Jacobs; and Chief W. R. Richardson.

Mr. Maynor will not be able to be here.

PANEL CONSISTING OF DR. ADOLPH DIAL, CHAIRMAN, DEPARTMENT OF AMERICAN INDIAN STUDIES, PEMBROKE STATE UNIVERSITY, N.C.; TOMMY DIAL, DIRECTOR, AMERICAN INDIAN CENTER, BALTIMORE, MD.; SAMMY JACOBS, CHAIRMAN, WAC-CAMAW SIOUX TRIBE, BOLTON, N.C.; AND W. R. RICHARDSON, CHIEF, HALIWA TRIBE, HOLLISTER, N.C.

Dr. DIAL. Congressman Teno Roncalio, Congressman Charlie Rose, members of the North Carolina delegation and members of this committee, I am more than pleased to appear before you on this historic occasion. As all of you probably know, I was a member of the American Indian Policy Review Commission. I am a Lumbee Indian and a member of the so-called nonfederally recognized Indians.

I wish to point out there are more than 400 tribes within the Nation's boundaries and, yet, the Bureau of Indian Affairs services only 289. More than 100,000 Indians, members of "unrecognized" tribes, are excluded from the protection and privileges of the Federal-Indian relationship.

Inconsistencies and oversights in the Indian policy have failed many unrecognized Indians. There is no legitimate foundation for denying Indian identification to any tribe or community. The BIA has no authority to refuse services to any member of the Indian population.

Nonrecognition is incomprehensible to Indians who have been neglected and forgotten. There is no valid reason for it. The term "nonrecognized" is as obsolete as the circumstances that led to its invention. At the root of this problem is the identification of the rights of all Indian people to Federal Indian programs, laws, and protections. Indian people have been denied services either because they are not identified as Indians or as tribes as the terms are used in the U.S. policy and law. To dispel this problem, and to direct the Federal-

Indian policy to all Indian people, the term "Indian tribe" is defined by any one of a series of definitional factors enumerated in the recommendations of the American Indian Policy Review Commission. The Commission's Final Report, volume 1, page 461 states:

The term "Indian tribe" is defined by any of a series of definitional factors enumerated in the recommendations which follow, and is intended to apply to all Indian people, including Indian communities, bands, clans, societies, alliances and groups, whether amalgamations or fragmentations of Indian tribes: But its use in this chapter is not meant to divide any presently recognized tribal entities or to apply to any people who are already formally recognized as part of a tribe by the United States Government for the purposes of Federal Indian law or programs.

The Commission's report points out murky precedents, quirky administrations, indefensible bureaucratic decisions, colonialism harsh on Indians, the removal policy, and landless Indians, to mention a few; all having denied American Indians justice and a decent place under the sun.

The American Indian Policy Review Commission was composed of a cross section of the national Indian community, Senators and Congressmen renowned throughout the land, 11 task forces staffed with the finest minds in the area of Indian affairs, consultants with expertise in bureaucratic failure, a superlative staff with tireless devotion to the enormous task placed before them, and a budget of almost \$3 million. It would be like reinventing the wheel to stop the progress already in motion.

Thank you for your time and undivided attention.

Mr. RONCALIO. We will get to questions after the panel.

Mr. DIAL. Mr. Chairman, and distinguished Congressmen, brothers and sisters. I am Tommy Dial. I am director of the American Indian Center in Baltimore, Md. I am a member of the State of Maryland Commission on Indian Affairs.

As I interpret H.R. 12996 in its present form, the criteria would relate to services rendered by all Federal agencies. This would place an impossible burden on urban centers, for instance. In order to make it clear that the act deals only with the services provided to federally acknowledged groups by the Department of the Interior, I suggest a new paragraph, section 2(a)(5), be inserted in the bill. The new paragraph would read as follows:

The failure of any petitioner in tribal groups who has his existence acknowledged by the Department of the Interior pursuant to the provisions of this act shall not be construed by any other Federal agencies as ineligibility for special Indian services or benefits provided otherwise to qualify the group by such agencies.

Mr. RONCALIO. The draft that was handed to me by Mr. Rose has a subsection (2) which says failure on the part of the United States to so acknowledge the existence of certain tribes has created confusion and such confusion leaves eligibility without adequate assistance.

Mr. DIAL. I think that amendment is in the new bill, H.R. 13773. I support H.R. 12996 on the suggested amendments.

The reason for the suggestion is because across the country urban centers of Indian populations have grown up and are being serviced through urban centers. We do have a fear that unless we are protected, urban Indian centers can never become a reservation tribal group. They represent a conglomerate of groups.

I yield the rest of my time.

Mr. RONCALIO. Thank you.

Mr. JACOBS. Distinguished Congressmen, ladies and gentlemen, I am Sammy Jacobs, chairman of the Waccamaw Sioux Tribe. It is indeed a pleasure to address this special committee on this pending and most important issue. It is, however, hard to believe that I, born an Indian, raised an Indian, schooled as an Indian, served my country as an Indian citizen, will on this, the 10th day of August 1978, be pleading to my Government to recognize me for what I truly am, an Indian.

It is next to impossible to believe that in this country of which I am a citizen that anyone would oppose my recognition as an American Indian. Must my foreparents have borne the discrimination and paid the necessary penalties and embarrassments in vain? Will the struggles of my people be all in vain?

In the early settling of this great country our Eastern Indians were trampled over and overlooked. We were pushed back into the swamps, out of sight and out of mind. We have been looked upon as insignificant and too small to have to deal with our concerns.

In the early 1900's, my foreparents petitioned their State government for Indian schools and a chance for the Indians of my area to gain an education. We were recognized by hard work and our enduring patience. As a result of their efforts, today we graduate lawyers, doctors, and other independent Indian individuals.

We are an independent people; we ask not for your lands, your reservations, your money, but we ask instead for something intangible: We ask for our identity.

Mr. RONCALIO. That is a very eloquent statement. I appreciate it and commend you for your statement.

Mr. RICHARDSON. Ladies and gentlemen, I am pleased to have this opportunity to appear before you. I am a Haliwa Indian, and chief of this so-called nonfederally recognized group from Hollister, N.C. I am also a member of the Commission of Indian Affairs. The Haliwa Indians were descendants of various tribes that inhabited our area, such as the Tuscarora and Saponi, before the coming of the white man. We were disbanded by the white man and have had to regroup. We chose the name Haliwa at that time because of the location.

We have a tribal governing body of 15 members, elected by the people who are responsible for the activities of the tribe. The Haliwa Indians have been recognized as an Indian group by the State of North Carolina ever since the reorganization of this tribe began in the midfifties. We set up our own school in 1957, but soon after it began, we got State support by having the State pay the teachers as part of the regular teacher's payment plan. This continued until the integration of schools in 1967 when the school was closed and Indian children were assigned according to the county assignment plan.

The Haliwa Indians were given official State recognition when the North Carolina General Assembly passed on April 15, 1965, the Haliwa recognition bill, G.S. 71-70. The text of the bill gives a list of history and then recognizes the tribe as Haliwa Indians. The State continued its support of the Haliwa Indians in 1971 when the North Carolina Commission of Indian Affairs was established and the Haliwa Indians were one of the original groups to have representation on the commission. This representation has continued until today and will continue, we hope, as long as the commission exists.

As a result of our membership on the commission, we have been able to participate in several programs that have helped our people. Some of these programs have been funded with Indian set-aside money such as the Comprehensive Employment and Training Act programs, and the non-set-aside funds such as title XX—social services—and the educational talent search program.

The Haliwa Indians have also had some Federal recognition as they have received two grant programs over the past few years, the first being the title IV, part A, Indian education program funded to the school system in 1973 and a core administrative grant from the Administration of Native Americans. There have been other programs, but I will not mention them here.

As you can see, we have a long history of being the Haliwa Indians. There has been much discussion recently about the eligibility of these unrecognized groups to receive funds, and many times this eligibility question is left up to the interpretation of program administrators or other bureaucrats. What we are asking today is for Federal recognition so there would be no question concerning our eligibility. We could then continue to receive money for our ongoing programs and could participate in programs where we have been ruled ineligible. Now, we are not asking for reservation status. We feel we do not need that, but we do need the recognition so we will legislatively be a part of the national Indian family. We are aware of the recognition criteria that has been issued by the Department of the Interior. This criteria requires groups to be organized prior to the 1934 Reorganization Act. The Haliwa Tribe is making every effort to meet the criteria of the Reorganization Act.

We would like to propose a second area that can be used; that being of State recognition. We, the Haliwa Indians, feel that we should be able to meet either of these two criteria to qualify for Federal recognition.

We support H.R. 12996. We request your favorable response to this request. If you have any questions, I will try to answer them at this time. It certainly has been my pleasure and privilege to make this presentation.

Mr. RONCALIO. Thank you. It is not your privilege to make this presentation. It is your right and it is my duty to listen.

I think we would be less than candid if I did not say to you and the panel, and all of you, that we are well into a difficult time to further Indian legislation. I do not know when the backlash and the resistance began, but it may have been the last 6 or 7 or 8 years. Then came the *Passamoquoddy* decision and the fishing problem in Washington ignited it last year. There is a very definite anti-Indian discrimination. I felt it very harshly a couple of times this year when we had Indian bills up on suspension which requires a two-thirds vote.

So I hope we can do something by speeding up the recognition of your tribes. That is what we want to do. We hope you recognize the difficulty of doing that at this particular time.

There are one or two other bills that we have to bring up. One on the adoption of Indian children that we have to move ahead with and we are getting all kinds of trouble with that. But by and large, I think this committee has moved more key Indian legislation than I have ever seen in 8 years. But it is not without its problems.

Thank you all very, very much.

Our next group of witnesses is a panel consisting of Lonnie Revels, Chief Robert Davidson, Rose Winfree, and Bruce Jones.

Shall we be chauvinists and let the women go first or shall we be modern and let the men go first?

Mr. REVELS. We will go by the agenda.

PANEL CONSISTING OF LONNIE REVELS, GUILFORD COUNTY NATIVE AMERICANS, AND VICE CHAIRMAN, NORTH CAROLINA INDIAN COMMISSION; JANE BALLAGH, REPRESENTING THE EDISTO TRIBAL COUNSEL, RIDGEVILLE, S.C.; ROSE WINFREE, REPRESENTING METROLINA NATIVE AMERICAN ASSOCIATION, CHARLOTTE, N.C.; AND BRUCE JONES, EXECUTIVE DIRECTOR, NORTH CAROLINA INDIAN COMMISSION

Mr. REVELS. I am Lonnie Revels, from Guilford County Native Americans, and vice chairman of the North Carolina Indian Commission. I am a former member of the board of directors and chairman of the Guilford Native American Association. This is an urban association. I have been a member and former chairman of the Greensboro City, Guilford County, Education Parent Committee. I am a businessman, civic leader, and concerned citizen.

I am not a lawyer versed in the technicalities of the law. I am not an esteemed Senator or Congressman whose yea or nay vote can decide the destiny of the rich or poor, notorious or obscure. There are great men that I know who have studied, debated, or explained policies regarding Federal recognition for the more than 2 million Indian people in this Nation. I therefore will not belabor the excellent reasons my Indian brothers have given or will be giving for urging you to support a Federal recognition bill that would be fair and just to all.

As a young lad growing up in my native Robeson County, I, like most other boys my age, was more concerned about eating, playing, owning a horse, riding a bicycle, playing baseball, than I was with my race or ethnic heritage.

Who am I was not a question I pondered. I knew I was an Indian. I knew my skin was dark, my hair was black, and that I must go to public restrooms labeled Indian. Riding on school buses for Indians, attending Indian churches and schools, and also, unless I left Robeson County, I must eventually marry an Indian.

Today, I can present you further evidence. My driver's license from the State of North Carolina says I am an Indian. My birth certificate shows I am an Indian. My wife's birth certificate shows she is an Indian. My children's birth certificates show they are Indians. I knew my family was Indian. Everybody knew I was an Indian. What I did not know then was that my great white father in Washington and many of my faraway Indian brothers did not know I was an Indian.

It was not until many years later that I learned that 200,000 of my brothers were not Indian and that unless I had this thing called "Federal recognition" I could not be an Indian.

Today, ironically, I stand begging to be recognized, to have confirmed what I and all my people know in our hearts is true, we are Indian. We, like our ancestors long before us, have always been Indian. With or without Federal recognition, when we join our ancestors in the happy hunting grounds, we will still be Indians.

As a member of the Lumbee Tribe, I am proud as an Indian. I love the land as an Indian. I possess spiritual qualities that allow me to communicate with the great spirit in the sky. I have suffered discrimination as an Indian.

If now you continue to ask, how do I or any of the Lumbee or non-federally recognized tribes, know we are Indians, I will answer by quoting from the Pulitzer Prize winner, N. Scott Momaday, who, when asked what is an American Indian, replied, "An American Indian is an idea a given man has of himself and it is a moral idea for it accounts for the way in which he reacts to other men and the world. And that idea, in order to be recognized completely, has to be expressed."

N. Scott Momaday must certainly be qualified to define an Indian.

Today, our destinies are in your hands. Our very existence as a proud and able people is hanging in the balance. You must decide the weight of your decision, which way it tips the scale, for or against us. For a century, our people have wrestled with this question of poverty, discrimination, exploitation, because politicians can cast the wrong vote.

I therefore ask you, as our final hope for a chance to pursue the recognition that we deserve, to support our request for Federal recognition. We will, because of your decision, emerge victorious, or must we, because of your decision, be forced to sadly proclaim as one of our chiefs said, "I will fight no more forever."

Thank you.

Mr. RONCALIO. Thank you.

Ms. BALLAGH. My name is Jane Ballagh. I am appearing for the Edisto Tribal Council. Chief Robert Davidson could not be with us today, so I am speaking on his behalf.

I appear in support of the Indian recognition bill, H.R. 12996. Right now I do not have a written statement to present to you but I would like to present one within a short period of time. Part of the written statement will deal with section 5 of the bill, which we feel is too strict as it is written now.

Mr. RONCALIO. Why?

Ms. BALLAGH. Because I do not feel unrecognized tribes can be recognized by this criteria. I feel it is too strict. The new bill that Congressman Rose has introduced addresses this issue. I have not seen this bill.

Mr. RONCALIO. We have not either until this morning, but we will look to see if it is a little better.

Ms. BALLAGH. Thank you.

Mr. RONCALIO. Thank you for that. We hope the criteria is not too harsh for ready and fair recognition.

Ms. WINFREE. Mr. Chairman and other distinguished members of this committee, I am Rose Winfree, Lumbee Indian, and representative of the Metrolina Native American Association of Charlotte, N.C. I serve my community as coordinator of the title IV, part A, Indian education program in the Charlotte-Mecklenburg schools, district 9, Congressman Jim Martin.

I wish to speak to the issues in this bill as they relate particularly to the 4,000 Indians living in the Charlotte area and the one-half million Indians who live in other urban areas in the United States.

The Charlotte urban Indian community is an amalgamation of people from at least 32 different tribal backgrounds. Ninety-five

percent of these people are from nonfederally recognized tribes or groups in North Carolina. Our community primarily consists of a large colony of eastern North Carolina Indians who share a common heritage. In addition, many individuals and families from other parts of the country who have left their reservations and their native Indian communities have joined this community to create a cohesive multitribal group.

Our community is characterized by:

One: The cooperation of recognized and unrecognized Indians in working for community goals, especially in education.

Two: Unemployment rates which are consistently twice the local average. Mr. Roncalio, that is higher than the unemployment rate on Indian reservations in the Rocky Mountain West.

Three: A high school dropout rate of 72 percent for adults and 60 percent for the current school age population.

Four: Just over 3 percent have a bachelor's degree.

Five: Only 29.5 percent own their homes, of which 28.2 percent are mobile homes.

Six: Construction is the primary occupation for males; manufacturing for females.

Seven: 78.5 percent are dissatisfied with their current employment.

Eight: Discrimination in the forms of anti-Indian prejudice and stereotyping is commonly perceived by the people.

Nine: High school alcoholism and alcohol-related arrest rates are persistent.

Ten: A desire for, and unavailability of, traditional Indian cultural activities except as provided by the Indian Center.

Eleven: A general lack of knowledge of existing services which are available to the public or to Indians in particular.

These problems are some that are shared by all Indian groups and some that are unique to the urban communities. These needs can best be served by programs operated and controlled by the local Indian community.

This task is currently being addressed in a small but effective way by programs sponsored directly by the Department of Health, Education, and Welfare, and the Department of Labor and indirectly by the Departments of Housing and Urban Development and Commerce. Any bill attempting to provide for recognition of presently unrecognized Indians should either include all functioning Indian communities including urban centers; or more realistically, the effects of the bill should be limited strictly to the Department of the Interior, thus allowing urban centers to continue to exist under support from other Federal agencies. We support the amendment to this effect.

In addition, we believe that recognition by the State in which any group exists should make it eligible for recognition by the Bureau of Indian Affairs. We support the amendment to this effect.

Our final point is that Indian people perceive themselves as individual Indians as well as members of the community or tribe. Therefore, no individual Indian should be denied the right of recognition as Indian by the Government; eligibility for and delivery of all services to Indian people should be on an individual basis universally available to all Indian people in all Indian communities in the United States; and determination of eligibility and delivery of services should be controlled on the local level by the people who make up the Indian community.

And now I wish to address you on a more personal note. The relationship of my people to the rest of the citizens of the State of North Carolina has been understood and dealt with in the context of Indian identity. I approach you in an effort to gain the legal rights which I have long been denied.

Recent legislation of major importance passed by the Congress of the United States, such as the Indian Education Act of 1972, has emphasized the intent of Congress to provide services to all Indians according to their needs and in accordance with the Federal responsibility to all Indian communities.

The present policy of nonrecognition allows the Federal Government to disclaim any moral responsibility to my people. This policy must be eliminated because it is discriminatory and has no sound basis legally or morally. A policy of full recognition would eliminate present discriminatory practices and force the now recognized tribes to share the resources of the Federal Government with all intended recipients. I ask you to break with the past and create a new moral tone. The moral tone set by you is as important as any changes you may make.

Thank you for your time and I appreciate the privilege to address you.

Mr. RONCALIO. Thank you.

Mr. JONES. I am going to talk to you today for a few minutes about North Carolina's Indian tribes, and why they deserve to be afforded a Federal relationship.

North Carolina has the largest Indian population of any State east of the Mississippi River. According to the 1970 census figures, there are only four States, Arizona, New Mexico, California, and Oklahoma, with an Indian population larger than North Carolina's. Yet, only the Cherokee Tribe has been granted the special Federal relationship which we hope the legislation being discussed here today will bring to North Carolina's presently unrecognized tribes.

Using words from the legislation which is before you, I would like to emphasize that the "failure to acknowledge a Federal relationship with these tribes has not been premised on grounds of law, justice, or equity, but rather has been due to a lack of clarity and inconsistency in those Federal laws and regulations relating to the standards and criteria upon which this relationship would be based."

There are Indians in North Carolina who have a native American heritage which is just as strong as the heritage of many tribes of the Western United States.

There was no single Indian way of life, even before the coming of the white man. Each geographical region contained independent Indian groups with their own languages, styles of living, customs, and beliefs. The early European settlers encountered many types of Indians before they reached the Appalachian Mountains; none rode horses, and few possessed "warbonnet headdresses."

In the 16th and 17th centuries, nearly 30 different tribes occupied the territory that today constitutes North Carolina. Little is known about most of these tribes. Adolph Dial stated in his book "The Only Land I know"—

War, pestilence, whiskey, and systematic slave hunts had nearly exterminated the aboriginal occupants of the Carolinas before anybody had thought them of sufficient importance to ask who they were, how they lived, or what were their beliefs and opinions.

Land was a major source of controversy. Most of the people who settled North Carolina were farmers, as were the resident Indians. Indian villages and fields were situated along streams, where the soil was rich. The newcomers wanted the same land, and, with the passage of time, the Indians were pushed away and forced to settle in isolated, less desirable areas.

Some Indians were absorbed into the white way of life. Others lived on the fringe of white settlements or formed their own communities. When this happened, Indians from more than one tribe sometimes came together. Their native languages and customs were exchanged for English speech and manners, but these people continued to maintain strong Indian traditions.

The State of North Carolina has recognized historic and newer groups and bands even though these groups did not always maintain a formal tribal structure. Since 1885, the North Carolina Legislature has passed a series of Indian bills mainly in the area of education. Money was appropriated to provide separate schools for nonreservation Indians in 11 different counties. In 1887, a normal school was established in Robeson County for the higher education of Indian people. This normal school later became Pembroke State University, the first Indian college in the United States.

Other bills established separate accommodations and services for Indian people. Indians were specifically named in North Carolina's now-repealed miscegenation laws. These Indians bore the indignity of recognition for discriminatory purposes. Let them now be given the opportunity to be granted the dignity of recognition by the Federal Government.

In 1885, the Lumbee Indians of Robeson and adjoining counties were first recognized by the North Carolina General Assembly; and in 1965, the Haliwa Tribe was also granted official State recognition. The 1978 session of the general assembly added the Coharies and Waccamaw-Siouans to the list of State-recognized tribes.

Recognizing the special problems of its Indian citizens, the North Carolina Legislature established the Commission of Indian Affairs in 1971. The purpose of the Commission of Indian Affairs is to study and recommend programs and actions to aid Indians and Indian communities and to cooperate with local, State, and Federal agencies.

North Carolina's nonreservation Indians have also had a history of contact with Federal agencies. In 1914, the U.S. Senate adopted a resolution authorizing the Secretary of the Interior, to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina. Special Indian agent, O. M. McPherson produced an extensive and thorough report both on the history and existing condition of the Lumbees.

In the thirties, a representative was sent by the Bureau of Indian Affairs who certified a group of Indians in Robeson County as being eligible for enrollment as persons one-half or more Indian, and entitled to benefits established by the Indian Reorganization Act of 1934. Also, in the thirties, the old Resettlement Administration, an agency of the Department of Agriculture, acquired land in Robeson County for the purpose of establishing a work relief and rural rehabilitation program in the Indian community.

In 1956, a bill entitled "The Lumbee Act" was passed by the U.S. Congress, explicitly recognizing the Lumbees as Indians, but not

recognizing them as eligible for services, since the administrative fad of "termination" was very popular at the time.

Contact with the Federal Government has continued to this day. Nonreservation Indian tribes and organizations in North Carolina qualify for, and participate in, a number of programs specifically designated for Indians.

For example, title III of the Comprehensive Employment and Training Act—(CETA)—provides job training opportunities for economically disadvantaged and unemployed Indian people.

The Indian education program, funded under the Indian Education Act, subpart (a), provides services for school-aged Indian children. A dollar amount is allotted to each county, based on the number of Indian children residing in that county. The money is distributed by an Indian parent committee which focuses on the needs of the children.

Nonreservation Indians have also qualified for grants under the Office of Native American Programs, now called the Administration for Native Americans. This program provides seed money to Indian organizations to allow them to assess their needs and to seek ways to implement social services programs to meet those needs.

The Federal Government has recognized North Carolina's nonreservation Indians for some purposes, but not for others. Passage of this legislation will allow this inconsistency to be corrected.

The economic benefits of Federal recognition cannot be ignored, but perhaps most important are the issues of human dignity and human rights. North Carolina's nonreservation Indian people have a right to have their heritage recognized by the Federal Government. Passage of this legislation will give us that chance.

With the current emphasis that President Carter has placed on the importance of human rights for all people, our request for recognition of our heritage has never been more timely. As we express to the world our strong belief in human rights, it is only consistent to seek protection for the personal dignity of all Americans. As Representatives in the U.S. Congress, you have a chance to support the human rights of the first Americans.

Mr. Chairman, I would like to suggest one amendment to the legislation you are considering.

Indian groups, in many instances, have had longstanding relationships with the State in which they reside.

The various States know their groups well, and they have identified, recognized, and dealt with Indian groups through the years. This certainly is a very important factor which should be considered in setting up the criteria for acknowledgment of this bill. It should be considered similar to the "Full Faith and Credit" clause.

The first two factors in section 5(a) are mandatory and an Indian group may meet any one of the remaining factors for purposes of acknowledgment.

I suggest that State recognition be inserted as a single factor, that to be factor (3), to read as follows:

The group has been recognized as an Indian group by the sovereign State in which it is located for a protracted period of time.

After inserting factor 3, section 5(a) should be revised to read as follows:

The following definitional factors shall be relief upon by the Office and the Secretary in determining a group as an Indian tribe for the purposes of this Act.

The group shall conform to at least two of the first three factors and at least one additional factor.

I thank you kindly for your patience and allowing me to appear before you.

Mr. RONCALIO. I thank you. These suggestions have been complied with, I see, in the draft we are working on. Thank you very much. We appreciate all four of you very much.

Next we have a panel of Al Trimble, Pat Locke, Eddie Tullis, and Wayne Williams.

Mr. TRIMBLE. I am listed on the witness list as Al Trimble. I am Charles Trimble. I am director of the United Effort Trust, but since I have done a lot of work for the NCAI in the area of Indian recognition, I was asked to testify on behalf of the National Congress of American Indians.

PANEL CONSISTING OF CHARLES TRIMBLE, DIRECTOR, UNITED EFFORT TRUST, ON BEHALF OF THE NATIONAL CONGRESS OF AMERICAN INDIANS; PATRICIA LOCKE, STAFF MEMBER, NATIONAL TRIBAL CHAIRMAN'S ASSOCIATION; AND EDDIE TULLIS, CHAIRMAN, COALITION OF EASTERN NATIVE AMERICANS

Mr. TRIMBLE. With your permission, I will read my statement which is quite brief.

In the protection and preservation of Indian rights, a most essential axiom is that the Federal Government acknowledge that tribes exist as permanent governing entities. The recognition of a tribe's existence is the fundamental step toward the fulfillment of the U.S. obligation to Indian people. It means recognition of certain rights. It also means that the United States acknowledges its obligation to protect the rights of a particular tribe.

The United States does not have sound procedures for extending recognition to Indian tribes. With arbitrary and circumstantial procedures, the Federal Government has failed to recognize many tribes that deserve to be recognized.

The absence of clear Federal policy and procedures pertaining to the recognition of certain tribes' rights to eligibility for Federal services, program, funds, and trust protection has plagued Indian affairs for some time. This neglect must stop, and the United States must take its obligation seriously to protect the rights of all Indian tribes.

However, we are aware that there are groups of people, among which there may be some Indian ancestry, which for reasons of identity or economic benefit, claim to be Indian tribes.

Our leaders in NCAI have expressed concern that indiscriminate recognition of such groups as Indian tribes could have an adverse impact on all Indian tribes. Our leaders have expressed concern that massive and indiscriminate recognition of groups as Indian tribes could diminish the significance and tenability of tribal claims to sovereignty. They have expressed fear that massive and indiscriminate recognition would mean the diminishment of the significance of Federal recognition itself, making the unique relationship between the Federal Government and the tribes vulnerable to wholesale termination. And they have expressed concern that the Federal Government

is not likely to expand the Federal budget in proportion to the expansion of the beneficiary groups.

Critics of NCAI's caution in this matter attempt to paint our leaders of federally recognized tribes as pawns of the Federal Establishment who refuse to share abundant Federal resources with less fortunate Indian brothers.

This is simply not true. NCAI has consistently and actively supported what we felt were genuine Indian tribes to achieve their rightful place on the rolls of Federal recognition. In our primary voting membership—tribal membership—some 20 nonfederally recognized tribes are included.

Nor do we apologize for our caution and vigilance in this matter.

We insist on the safeguards to protect the status of Indian tribes and our sovereign rights as our leaders have protected them for years at great cost to our tribes.

Our concerns regarding the Federal Indian budget are valid. The infamous litany of Indian woes reflects the plight of the federally recognized tribes: the highest infant mortality rate, the lowest life expectancy, the highest unemployment rate, the lowest per capita income, *ad infinitum*.

That certainly does not reflect an inexhaustible Federal cornucopia from which the federally recognized tribes refuse to share.

Our constant concern has been that Federal recognition must be extended in a fair and consistent way which will protect and preserve the full rights of all tribes. That the extension of recognition must be accompanied by a reaffirmation of tribal rights and increases in appropriations levels to match increasing levels of services to tribes.

On March 28 to 30, 1978, the National Congress of American Indians sponsored a National Conference on Indian Recognition, which was hosted by the United Southeastern Tribes in Nashville, Tenn. That conference was designed to bring together leadership of federally recognized tribes and nonfederally recognized tribes for communication and understanding, and for membership of NCAI's executive council to adopt a position that would be acceptable to the recognized and nonrecognized tribes regarding the issue of Federal recognition.

In that meeting, I believe that we accomplished more than this proposed legislation or the Interior Department's proposed regulations could ever hope to. In that conference, we began the process of understanding each other, and we arrived at a position paper that met with the approval of both recognized and nonrecognized tribes. That position statement, encompassing 12 principles to guide the development of recognition policy, is attached.

Mr. Chairman, if I may, I would like to read these 12 principles into the record. I believe that they are very significant in that they represent principles and criteria that have significant support among both recognized and nonrecognized Indian tribes.

One: The U.S. Government has a permanent obligation to protect, preserve, and defend the inherent sovereign rights of all Indian tribes choosing to engage in a relationship with the United States.

Two: The United States has, on an arbitrary basis, failed to fulfill its obligations to all tribes, leaving many tribes weak and vulnerable.

Three: The National Congress of American Indians, an organization which represents the common interests of all tribes, demands that the

United States fulfill its obligation and acknowledge the existence of these tribes and protect their rights to the fullest extent of the law.

Four: The failure of the United States to establish and maintain consistent policies for extending political recognition to all Indian tribes, has allowed State and local governments, and private interests, to infringe upon the sovereign rights and powers of such unrecognized tribes over land, people, and resources.

Five: The level of Federal support and assistance should not be dependent upon the arbitrary aspects of budgetary considerations, but should be based on the protections and services to which the tribes are entitled.

Six: As additional tribes are confirmed in their status, the Federal Government must appropriate funds above and beyond the operating levels presently received by currently recognized tribes. Tribes recognized pursuant to any criteria must have their needs met out of additional appropriations that will be sought by the responsible Federal agencies.

Seven: There must be a valid and consistent set of criteria applied to every group which petitions for recognition. The criteria must be based on ethnological, historical, legal, and political evidence. It is the inherent right and responsibility of each and every existing tribe to determine its membership through its own defined criteria and no already federally recognized tribe should be required to accept newly recognized groups into tribal membership without the consent and approval of the existing tribe.

Eight: Only those tribes or groups who satisfy criteria to be established pursuant to principle No. 7 may be recognized.

Nine: Every determination that a group is not an Indian tribe must be clearly justified on the group's failure to meet the legitimate criteria.

Ten: Recognition must carry with it all the force and impact which recognition by treaties, legislation, or administrative actions has carried.

Eleven: Recognition shall not negate or affect in any way the previous recognition granted other tribes by treaties, legislation, or administrative action nor affect or dilute tribal assets or existing reservations of any already federally recognized Indian tribe without the consent and approval of the already federally recognized tribe.

Twelve: Upon recognition of a tribe's status, the United States should inform the tribe of the rights, benefits, and protection afforded by the Federal Indian law. It shall be the responsibility of Congress to appropriate, at the request of the tribes, additional funds to related Federal agencies to fulfill these trust obligations.

One personal note, Mr. Chairman, that I might bring up. I think Indianness is a thing of very personal nature. I think that the Congress in all its power cannot tell me that I am or am not an Indian nor could the telling me of this have any weight in my own decision. But I think what we are really talking about is whether or not a group of people become a recognized governmental entity, whether they have certain attributes of sovereignty, whether they do carry the power of government. That is the biggest concern here.

I would recommend, although we do not have it in our testimony, that the possibility be considered of an Indian oversight group of federally recognized tribes for two reasons. No. 1, to assure stronger heritage considerations, and No. 2, that the Bureau of Indian Affairs,

regardless of what Congress says, can stonewall to death any aspiring tribal effort for recognition. They have done that in the Indian Reorganization Act and in the Indian Self-Determination Act.

Mr. RONCALIO. But what would the new machinery be? You would have to have a new machinery for recognizing the relationship with other Indians in the country. I have answered the criticism of the Bureau of Indian Affairs by saying, what would you supplement it with? What would replace it?

Mr. TRIMBLE. You would not replace it. You would carry stronger oversight to make sure they do not abuse this.

Mr. RONCALIO. It would have to be of recognized and nonrecognized tribes.

Mr. TRIMBLE. I do not see how that could be. How would you recognize the members to sit on it if they are not recognized in the first place?

Mr. RONCALIO. I find no problem with your principles as set forth because I think 6, 7, and 8 are identical to what governs now for established criteria in recognized tribes. So it should not create any problems. It is a good statement.

Ms. Locke, do you have a prepared statement?

Ms. LOCKE. Yes. But I would rather summarize.

[Prepared statement of Patricia Locke may be found in the appendix.]

Ms. LOCKE. My name is Patricia Locke. I am on the staff of the National Tribal Chairmen's Association.

Mr. Chairman and distinguished members of this House committee, we are honored to present our testimony before you. We would like to add our comments to the criteria contained in the bill. We believe that the criteria as listed in this bill, H.R. 12996, presently under section 5, are too vague and too confusing. The criteria speak to recognition in newspapers and books or by a scholar or enrollment in a school. We believe that these are vague criteria. We are aware that scientifically, I guess you might say, from those kinds of criteria there are universal standards for recognizing Indians, for instance, the Maori of New Zealand or any other distinct cultural entity. Such cultural determinants are language, social structure, behavior expectations, a system of governance, a belief system, material culture, the arts, music, dance. All of these different cultural determinants are universally used.

We think that those criteria along with those that are mentioned—there are two mentioned in the bill about the identity of language and treaty relationship that are valid in the opinion on the National Tribal Chairmen's Association. But we think that the others are not adequate.

There are 400 recognized tribal entities on the United States. According to the 1970 census there are 292,000 Indians and 34,000 Aleuts making a total of 827,108.

I have heard numbers mentioned of up to 2 million this morning. We are not sure where those numbers come from. Of course, we are always confronted with the possibility of semantics.

I heard the word native American used. That also causes a vagueness. For instance, in the administration of—native Americans are also meant to be Hawaiians are also included.

Mr. RONCALIO. Up in Alaska the native Americans were referred to; but Swedes and Jews that were born there could not qualify

because the native Alaskans wanted to be called native Alaskans.

Ms. LOCKE. I understand there are 20 definitions of Indian now being used in the Federal Government.

One comment I would like to make about the so-called urbans. We prefer to call such groups off-reservations Indians because usually they are members of particular tribes. I live in Boulder, Colo. and yet I am a Rock Sioux and I will be a Standing Rock Sioux wherever I travel. We believe to support the sovereignty of tribal governments that members are determined by the tribal governments, that these individual members no matter where they may be living are still members of their tribe.

We believe enforcement of funding programs, that the moneys must come to the tribe and to its members rather than to fund multi-tribal groups living in a particular city. Tribes throughout the country are so concerned about abuses in the law. For instance, title IV of the Indian Education Act, where the definition of an Indian has become so broad, according to a GAO report, Indians of one two-hundred twenty-fourth degree are being served. We believe that is an abuse. There are numerous instances of abuse from all parts of the country where persons simply declared themselves to be an Indian and they received services. Similarly, the Indian Health Services that was taken away from the Bureau of Indian Affairs over 20 years ago also is subject to abuses of the law because of the definition of an Indian within HEW. In fact, a man named Miraldi Motne, who was with the Indian Health Services, was describing how a person who wants to become eligible for Indian Health Services has to just get a letter from the Governor of the State and then get a letter from the Department of Motor Vehicles and get written on it Indian and then they can become eligible. So it must have cogent and consistent and strict criteria for the identification of who is an Indian.

I am sorry to say that we do not have a list to recommend to you but only say that in this bill the criteria is too broad.

Mr. RONCALIO. Have you had a chance to look over the Ross amendment on section V or H.R. 13773?

Ms. LOCKE. No.

Mr. RONCALIO. What they have done is taken the need of the Indians and to a good bit what constitutes an acknowledged Indian tribe. There is a whole page of material on it but they still pick up the fact that you need a protracted period of time and then there is the other listings of newspapers and books. But it is two full pages of additional material. I recommend you take a look at it and let us know if it is any better.

Ms. LOCKE. We would be glad to look at it.

Mr. RONCALIO. I suspect if this meets with Jim Abourezk's approval, it is a pretty good refinement over the original bill.

Ms. LOCKE. Thank you.

Mr. MARLENEE. Have you looked at the new regulations by the Department of the Interior for establishing an American Indian group?

Ms. LOCKE. Yes, the ones published on June 14.

Mr. MARLENEE. Yes.

Ms. LOCKE. Yes.

Mr. MARLENEE. And what is your opinion of those?

Ms. LOCKE. The National Tribal Chairmen's Association has not responded to those criteria. If you mean personally—I guess I cannot

Speak personally. I have to speak as a representative of the organization.

If I might say so, Congress is not administratively set up to administer the many petitions for recognition.

Mr. RONCALIO. All right. Next.

Mr. TULLIS. I am Eddie Tullis, chairman of the Coalition of Eastern Native Americans.

I would like to reserve the right to enter some printed testimony into the record as I did not have time to do it before coming here.

Mr. RONCALIO. You have the next 2 weeks.

Mr. TULLIS. As president of the Coalition of Eastern Native Americans, I wish to echo many of the sentiments expressed here today in support of the bill as proposed by Congressman Rose.

The coalition includes among its members both federally recognized and nonfederally recognized Indian tribes. We have been working together with the Federal Government who refuses to recognize many of our people and which has caused an unnecessary division of our people.

We support the bill as proposed by Congressman Rose as it will compel the consideration of member groups for Federal recognition and a well-developed criteria and procedure.

As a tribal council chairman I would like to take a couple of minutes of your time to review the history of my people in Alabama to emphasize our reason for establishing a bill.

As the country, early in the 1880's, started moving west it considered a number of hostile Indians in the southern part of the country. The decision was that those hostile natives must be removed in order for the country to grow. Gen. Andrew Jackson was assigned that responsibility. As General Jackson went into the Alabama area he found that it was only a small percentage of the natives that were in that area that were hostile to the advancement of United States. A vast majority of the natives in the State of Alabama, particularly the Cree Nation, joined with Andrew Jackson in this effort to rid the country of those hostile native Americans. The Crees joined with Andrew Jackson and accompanied him on his trip to New Orleans and on his Florida campaign.

In payment for that service to the U.S. Government a number of our tribal leaders were afforded the opportunity to return to their homeland and acquire for themselves grant lands from the U.S. Government. It is from those grant lands and those tribal leaders that we were afforded the opportunity, the Cree Indians in Alabama today and that is why we now exist.

Throughout our recorded history our tribal leaders have maintained what we consider as a tribal operation. We have had elected tribal leaders for as long as we can provide that information. For a considerable number of years after the acquiring of the grant lands, the Department of the Interior did provide a communication-type recognition to those people. They provided services as far as technical assistance and also some protection of those timberlands and land rights to those people.

In the late 1800's the Department of the Interior saw fit to cease continuing that communication with our people. It was not until 1947 or 1948 when Congress, in its wisdom, created the Indian Claims Commission that again recognition as such was afforded to the Alabama

Crees. The Indian Claims Commission, through its effort, has required that the Department of the Interior deal with the people of Alabama.

I do not know the right word but it is odd that at this very time in our tribal center the area director, the Tuskegee Regional Office Director of the BIA is explaining to people how they will be receiving the checks for land claim cases. He has been there for 2 days.

Mr. RONCALIO. He is explaining what?

Mr. TULLIS. He is there explaining their part in the land claims cases.

Mr. RONCALIO. Are there now present plaintiffs in a land claim case?

Mr. TULLIS. Yes. We have received in 1968 a judgment in a land claims case that was disputed then. One of the cases has just been finalized and they are in the process of creating the criteria or the role for that distribution now.

Mr. RONCALIO. I see.

Mr. TULLIS. The problem that we have in Alabama is that this is the only way that the BIA will deal with our people. It creates a problem for us to explain to our children why the BIA comes to our community and tells us we are going to receive Indian money but then tells us there are no Indians in Alabama. I have a daughter who just finished high school who could not believe what she was hearing so she sat down and wrote a letter.

We appeal to you as Members of Congress and to the Department of the Interior to establish a criteria so that these groups that are—or those ones that are entitled to be recognized as American Indians are afforded that opportunity to explain to their children why they are native Americans.

I thank you for the time here today.

Mr. RONCALIO. Thank you. We appreciate the way you reviewed that historically and gave us new insights. Thank you very much. We are making a very fine record for this legislation.

I doubt very much if we could have done it without your help.

PANEL CONSISTING OF RUSSELL PETERS, CHAIRMAN, WAMPONOAG TRIBE, MASHPEE, MASS.; BRIAN MYLES, EXECUTIVE DIRECTOR, AMERICAN INDIANS FOR DEVELOPMENT, MERIDEN, CONN.; AND LUCILLE DAWSON, NARRAGANSETT INDIANS, RHODE ISLAND; AND BOARD MEMBER, NATIVE AMERICAN RIGHTS FUND

Mr. PETERS. Mr. Chairman, I do not have a completed, written statement. I would like to have some time to submit that.

Mr. RONCALIO. Very well.

Mr. PETERS. Mr. Chairman, members of the House Subcommittee on Indian Affairs and Public Lands, I am pleased to speak to you today in support of H.R. 12996.

I am chairman of the Wamponoag Tribe of Mashpee, Mass. I have been authorized to speak in favor of this bill which will establish an administrative as well as guidelines to recognizing the existence of Indian tribes which are not now recognized by the Department of the Interior.

A little background on the Wamponoag. Our tribe was the one that met the Pilgrims in 1620. The Wamponoags treated the newcomers with kindness and compassion. Our forefathers literally kept the Pilgrims alive.

Mr. RONCALIO. It is interesting you say that. Last night I was reading Bradford Filman's "Plantation," volume II. It is fascinating.

Mr. PETERS. This kindness was not repaid. Instead the Wamponoags were driven from their territory as the colonies expanded their land holdings. This took its toll and we were squeezed into smaller and smaller areas of land. Mashpee we named as one of the few havens for the Wamponoags. Somehow title was bestowed to the Indians. As early as 1685 the British proclaimed it Indian land forever.

Forever must be a short term because our tribe has lost title to this land as a result of a number of State legislative acts. On August 26, 1976, our tribes filed a complaint in the First Federal District Court in Boston, Mass. to recover tribal lands taken from us illegally. The Mashpees find itself in a strange position of relying on the Federal courts to provide a remedy for this decision. In the process the Federal court asks us for proof of our identity before they will address the issue of ownership of land. In our case it is clear that our legal system is not adequately prepared to deal with an issue as complicated as this, for the determination of tribal status requires expert deliberation.

In the first stage of our trial where tribal statute was a question, an all white jury returned a verdict that is confusing and contradictory. They found we were a tribe at one time, had disappeared, returned once more before going out of existence forever.

We think with examples like this it becomes obvious that the Indian recognition bill must be passed in order to assure that the many nonfederally recognized tribes who seek to remain may do so. The Mashpee Wamponoag Tribe did appeal for Federal recognition in July 1975. In the absence of any formal policy the Secretary of the Interior apparently uses his discretionary powers to bestow formal Federal recognition upon an applicant. The facts used in this determination are not known. Again it becomes clear that a consistent procedure and a predetermined criteria must be set forth because in the 3 years that we have petitioned—since we have petitioned the Department of the Interior for Federal recognition, there has been no change in our status.

Furthermore, we fear that unless our tribes are recognized, our status will remain as it is. We feel that an administrative procedure is essential to formalizing the standards that will guide the Department of the Interior in the regulations as to trust relationships with the United States.

We have gone too long with a fragmented and inconsistent Indian policy. It is my hope that this legislation, with the appropriate amendments, will be acted on so we can show the world that our Congress can be respected.

Mr. RONCALIO. Thank you.

Mr. Peters, help me with this problem. If my brothers and sisters in the House of Representatives were to interpret this bill as providing a vehicle on which all unrecognized and recognized Indians, whether in a tribe or not in a tribe can be given a possible course of action to go into court and disrupt ownership of land and therefore fearing this legislation. How can I overcome that fear of my brothers and sisters?

Mr. PETERS. That is a problem, sir. We have tried it both ways. We tried it through the Federal courts. We are in the process of appealing a decision made by a jury which made a decision we felt was really consistent. We felt that the people who made that decision had no knowledge of Indians and that they had to be educated.

Mr. RONCALIO. Off the record.

[Discussion off the record.]

Mr. PETERS. In closing I would just like to say that in listening to the representatives of the Bureau of Indian Affairs this morning, they insist that they have the capability of determining tribal status. As I pointed out in my statement, we had applied for tribal status in 1975. By my calculations that is 3 years. There has been nothing done by the Bureau of Indian Affairs to this point.

Mr. JACKSON. If I may make a comment, the Bureau, I suppose, if they were here to answer that, would probably say they have not had a consistent, clear set of standards applicable to a broad range of people. They now claim they have such a standard in the proposed regulations which they said will become final within a month. Have you read those regulations and do you have any comment on them?

Mr. PETERS. I have reviewed them. As a matter of fact, I have a copy of them here. But I would like to comment on the fact that they have insisted in the past that they have had administrative policies all along and with that discretionary power of the Secretary of the Department of the Interior. So they have the capability of making a determination as to tribal status right now in the absence of any regulations. They have not done this.

Mr. RONCALIO. Thank you. Next.

Mr. MYLES. This letter is written testimony from American Indians for Development—AID—located in Meriden, Conn., in support of H.R. 12996.

American Indians for Development is a nonprofit Indian organization operating in Connecticut. Unlike other Indian organizations, AID is unique in the sense that we attempt to serve the entire Indian population in the State. This includes the five indigenous tribes: Paugussetts, Schaghticoke, Mohegans, Western Pequots, Eastern Pequots, as well as those out-of-State Indians residing in Connecticut. This has by no means been an easy task for our organization, and has been further complicated in our dealings with the Federal bureaucracy due to the fact that the five indigenous are not federally recognized. These tribes have existed concurrently with the U.S. Government for over 200 years without the services of Bureau of Indian Affairs, and other services provided by the Federal Government for recognized tribes. However, this has created additional hardships for many of our Indian people. The Indian population in Connecticut has decreased severely along with our ancestral lands, due to the lack of State and Federal protection. Through the protection provided by a Federal trust responsibility, these tribes will have the political protection to insure their future existence as tribal entities and maintain their present reservations. The key to our future lies in the political power afforded to us through this Federal relationship, and not as much in the services provided by the BIA. As aforementioned, we have survived for the past 200 years along with the U.S. Government and will continue to exist as long as our political rights are enforced and upheld.

The Indian recognition bill, H.R. 12996 is one which will establish a uniform governmental policy in an attempt to equitably resolve the issue of Federal recognition. The procedural guidelines for properly addressing this issue have been well formulated in H.R. 12996. The proper avenues of redress have been amply defined for any group whose

claim has been rejected. The bill sets forth clearly for both the Federal Government and the petitioning group the kinds of evidence that must be considered. We urge that the evidence presented by the petitioning group be evaluated fairly, and that all evidence submitted be reviewed in its proper context. The historical profiles of the petitioning group will resemble closely those of already recognized tribes with the exception of certain Federal dealings. The failure of tribes to petition the Secretary of the Interior shall not disrupt or diminish the present positive relationships many of these groups have established with other Federal agencies. Nor shall present recognition by the States be disrupted. No group shall be required to petition by any certain date, nor should pressure to petition be placed on the tribe. The petition of each tribe must be considered fully and fairly when received.

We hereby encourage the passage of H.R. 12996 because we believe it imposes on the Secretary of the Interior an obligation to acknowledge now, as Indian tribes, those people who have been denied the opportunity to participate in the Federal Indian structure.

I would also like to add on a personal note, the five indigenous tribes we have, the Paugausetts, the Schaghticokes, Mohegans, Eastern and Western Pequots, all have had treaties with either Colorado, Georgia, Massachusetts, or Great Britain. All of these treaties were prior to the inception of the United States as a government. However, reservations do exist in Connecticut and have existed since the 17th century. We have maintained a relationship with the other Indian nations of Connecticut. Also, presently there are two land claim cases and litigation at the same time.

I thank you for this opportunity to address this committee.

Mr. RONCALIO. We have to take a 10-minute break while I go vote.

AFTER RECESS

Mr. RONCALIO. Did you know that we moved the Narragansett bill last week? We have your bill on the floor of the House. So there will be action on that.

Ms. DAWSON. I am hopeful.

I am Lucille Dawson of the Narragansett Indians and a board member of the Native American Rights Fund. I am tribal historian. I am here primarily to let the committee realize what has happened as far as eastern native Americans or those nonfederally recognized tribes.

The best example I can give you is that of myself. No. 1, in 1950 when I was going to high school we were told that we had to select a particular course, whether it be general, commercial, or collegiate. We were told at that time because we were Indians we would have to take the general course because the Indians could only work. They were not smart enough to go on for higher education. That was sufficient to incite me and the principal at that time, who constantly carried a baton, threatened particularly a group of us native American children that if we did not take the commercial course we would fail any other course and we should just learn to cook and clean and that is all we had to do.

At that particular point I had spoken with my older brothers and sisters and they said, why not take all three, which I did. For 4 years

while attending South Kingston High School I took the general, commercial, and collegiate courses. I maintained a B average and got on the Rhode Island Honor Society.

At that time they said that I would not be allowed to attend any college. I applied to every college within the State of Rhode Island and was denied. I applied to every school of nursing and was denied. They said that there has not been a native American complete any college level. At that particular point I went to the University of Rhode Island and told them that if I took a course that would give me a job, particularly in nursing, would it be possible to enter.

In 1954 I did enter the University of Rhode Island but they said I would not complete it and therefore that I was just wasting time and money. When I graduated from high school I did receive a \$100 scholarship. To me that was more money than I ever knew. But they said it was not enough to go to college. The only way that we could earn money was through hunting, fishing, or trapping. We sought foxes and other fur animals for their bounty and to sell their fur. It was just a portion of it.

My father's average income for that year was \$300. Since we were a family of eight it averaged out that there was about \$47.50 per each of the eight of us per year. So therefore it was necessary for him to find other means. Although he could not do this himself it was necessary for me to maintain my own traplines for 5 years to get through the nursing program.

My days started at 4 a.m. and did not end until 1 a.m. the next morning because not only after catching the animals was it necessary for me to skin and put them on boards and do my homework as well as go to school the same time. This I did and I did it for 5 years.

But the truth of the matter is that I feel it was totally unnecessary. But what had happened is that I was a Narragansett Indian and they said that you are a State Indian, you are not a federally recognized Indian. So therefor when I went to the State they said, because you are not federally recognized—you are not federally recognized Indian so go to the Federal Government. Needless to say, I did not get any money from any source and therefore it was necessary for me to do what I did.

During this time, particularly in the North, there had been all types of discrimination and prejudice but not as open as it has been in the South. It has been basically undercover. So therefore during the 5 years that I spent there I felt that it was needless with all of the pressure that was applied, the threats that were made, that no Indian east of the Mississippi, because they are nonfederally recognized, should have to go through this type of degree for an education.

That was just the beginning of many of the problems that I have encountered as an eastern native American. It is one of the troubles that our tribe has tried to pursue a better way of life and a better way of living providing that the Federal Government finally looks upon us as federally recognized. We have maintained our history, our tradition, our song, our dance. I know the State of Rhode Island broke the palm of my hand. It is the same with all of our people in eastern New England.

The thing that concerns me is that there should be scholarships for native Americans regardless of whether they are federally recognized. If they are Indian they are Indian. The thing that upsets me most is

that there are three animals that have to have blood quantum. That is, purebred dogs, thoroughbred horses, and nonfederally recognized Indians. I think this has to be changed. Something has to be changed about it.

Mr. RONCALIO. But that latter observation, blood quantum is not federally established. The tribes set their own criteria so that is where it is. All of the lawsuits that followed were brought about because of people that were one-eighth or one-sixteenth and were cut off from the rolls because the criteria were set by the tribal council. I hate the blood quantum.

I have a friend who brought a case all the way up to the Supreme Court seeking to set that aside and the Court said "No," the right is within the tribe to set the criteria. If they set that as 25 percent quantum, if that is what they set, that is what it will be.

Ms. DAWSON. I am not arguing the point if the tribe sets it because one of the criteria is how much quantum and they do have to do a total geological study and therefore I am bringing it forth because all of the Federal recognized tribes are not required to do this even if they have only one one-hundred twentieth of Indian in their blood. But those of us nonfederally recognized have to prove it. We can go back to the time of the Pilgrims which is more dated than the federally recognized and yet we have to go through the whole generic survey which is not required of the others.

Mr. RONCALIO. There are a lot of amendments that have been made to section V, and it looks a lot better. But, if you can help me get rid of the term blood quantum, I would be delighted. We have done a better job of ridding this country of discrimination than almost any other country. I know it is better than in Russia and for those trying to get a visa who are Jewish. We think we are better off than most Scandinavian countries. I would like to think we are better off than any other country.

Ms. DAWSON. The other question that I had, pertained to what has happened to many of the native persons, particularly the eastern seaboard people, what has happened to our tribe in 1968 when we are credited with one of the first Indian schools in the United States, when Roger Williams came through our State in 1621 he established a school system and we do have one of the few recorded Indian languages that we can still utilize and study today. One of the first things that was destroyed was this schoolhouse and it destroyed many people in our State. They tore down the school that was constructed by the native Americans and that was an historical site, designated so. But the State saw fit to destroy it.

With the many atrocities that have happened to our people and which have pitted some of them against each other, with the help of you, at least we can start in the right direction. I would hope that something would come of it.

No. 1, I recognize the fact that gravity does hold us down. But I do not know what holds us back. Perhaps in the passage of this bill or the amendment we can eliminate that particular cause.

Mr. RONCALIO. Thank you very much.

We have to be out of here by 1 o'clock. Is Curtis Custalow here? I guess he is not. Is William Tayac here? If you would like to give me your statement it would help. How about Hugh Proctor?

Mr. TAYAC. My statement will take only a few minutes.

PANEL CONSISTING OF WILLIAM TAYAC, TRIBAL LEADER, PISCATAWAY-CONOY INDIAN NATION, OXON HILL, MD.; HUGH PROCTOR, PRESIDENT, PISCATAWAY-CONOY INDIANS, INC., WALDORF, MD.; JOHN PETERS, SUPREME MEDICINE MAN, WAMPONOAG INDIAN TRIBE, MASHPEE, MASS.; AND RITA DAVIS

Mr. TAYAC. My name is Billy "Redwing" Tayac, son of Chief Turkey Tayac, the hereditary Sagamore of the Piscataway Indian Nation. I am a member of the Beaver Clan. I appreciate this opportunity to testify before you on behalf of my nation on H.R. 12996 and similar legislation. This land on which the U.S. Capitol and the Longworth Building is situated once belonged to my people. Washington, D.C. is called the Federal City yet the original inhabitants are not federally recognized.

The main concern that is voiced is that the "Federal funding pie" would be sliced too thin among the federally and nonfederally recognized tribes. We are not seeking to divert any moneys from our brothers and sisters. For 4½ centuries, we have survived without these moneys and shall continue to survive with or without these moneys. What we seek is the right to be recognized equally with all native peoples.

My father, Chief Turkey Tayac, is a renowned medicine man who has fought assiduously for 84 years to maintain the identity of our people. I am here today to continue his efforts for the traditional Piscataway people by our total support of H.R. 12996.

May the great spirit grant you wisdom on this matter. Thank you.

Mr. PROCTOR. The Piscataway Indian Tribe, the only indigenous people of the State of Maryland, supports the intent and purpose of H.R. 12996.

But certain of the definitional factors to be relied upon to establish whether a group is an Indian tribe are unacceptable for the following reasons:

Section V(a) (1) and (2) of H.R. 12996 imposes a "Catch 22" situation upon the various unrecognized tribes and groups in that these requirements cannot be met by many because of the past policies of the Federal Government toward Indians. For instance, our Piscataway Indian ancestors, rather than be driven from their homeland, fled into remote areas of southern Maryland where they remained invisible for many years. When discovered, they were reluctant to reveal their Indianness and were therefore forced to blend into the dominant society and, therefore, assumed whatever identity was convenient. Even so today, our people are a society within the dominant society, and always have been practicing many of the customs and traditions of our foreparents which are unique to the Piscataway culture. To require, at this late date, that we meet these requirements would be a travesty of justice.

As it pertains to the Piscataway Indians, we have a culture, a history, a revived language, land base and, last but not least, a 1666 treaty with the colonial government of Maryland. And the tribe has been funded by the State of Maryland, and the Federal Government which, at the very least, gives us *de facto* recognition.

We hope that the Congress of the United States will see fit to enact into law a bill suitable to the nonrecognized tribes because we cannot see how the U.S. Government could defend, before the world court of public opinion, a position of refusing to do so while supporting human rights for other sovereign people.

We support those suggested amendments to H.R. 12996 that have been, or will be, offered here today.

Mr. PETERS. Mr. Chairman, my name is John Peters. I am supreme medicine man for the Wamponoags in Mashpee, Mass. I would like to go into a little history but I see that time is cutting short now so I will dispense with some of the history. But I would like to say that the Congress gave some of the past legislation not only by the U.S. Government but also by the State of Massachusetts, by the Massachusetts Bay Colony, by the Plymouth Bay Colony, treaties by the King of England that have been passed, legislation giving Indians rights, giving Indians lands, recognizing tribes. All of a sudden in the year 1978 they are no longer a tribe. This seems quite a serious matter to us because we are people that have been on this land, our spirits are here, our ancestors' spirits are contained in this land. We are not people of transit. We are here. Our spirits are here. We ask that the great spirit look upon your committee in order to insure that this legislation is passed in the near future and that it is legislation that we can respect and have honor in the passage of this legislation and that the Congress of the United States enforce this legislation and enforce it and honor it so we may honor it.

Mr. RONCALIO. Thank you for a very good statement.

Ms. DAVIS. I am Rita Davis. I am here today in support of H.R. 12996 and will provide a full written statement for the record in the next 10 days. I thank you for this opportunity to speak today.

Mr. RONCALIO. We thank you all very much for your brevity. We also have some statements that we would like included in the record.

[Additional statements referred to above may be found in the appendix.]

Mr. RONCALIO. I would like to move forward with this legislation and we may very well do it at this Congress. But I do not see how we can get a rule and bring it to the floor. The only way is to bring it under suspension of the rules and that will mean it will have to pass the floor of the House by a 2-to-1 vote under suspension. I guess if it were earlier in the year we could do it and have a simple majority pass it but then it opens it up to amendments on the floor. Sometimes then you reject what comes out of there because it is not what you want at all. So I think we are better off to move along and get this passed under suspension and take it as it comes out of the full committee to the floor. Then you take your chances on what 435 Members will do in the amendatory process. I will look over the bill a lot closer and I will look at the amendments. I am not sure that if the bill were enacted into law and signed by President Carter and got over to the Department of the Interior, whether they would feel that they could move any faster than they are moving now.

I was going to ask, what are your facilities for immediate examination of the 40 or 45 applications for tribal recognition? Would you need more staff to get this done?

Mr. REESER. The staff is being hired for the regulations that will be published this month.

Mr. RONCALIO. The record will remain open for 2 weeks.

Thank you all very, very much.

The hearing is adjourned until we meet next.

[The hearing was adjourned, subject to the call of the Chair, at 12:35 p.m.]

A P P E N D I X

Additional Material Submitted for the Hearing Record

Statement by Rep. L. H. Fountain before the Subcommittee on
Indian Affairs and Public Lands
August 10, 1978

I wish to voice my support for H.R. 12996, a bill to establish an administrative procedure and guidelines for the Department of the Interior to follow in granting Federal recognition and all concomitant services, rights, privileges, immunities, and benefits to unrecognized Indian tribes. I am pleased to be a cosponsor of this legislation and urge its enactment at the earliest possible time.

This legislation is long overdue and is necessitated by the fact that there has never been, and is not, a clear, consistent, and uniformly applied Federal policy regarding Federal recognition of Indian tribes. Since Federal recognition has been, and is, used as the criterion for extension of most special services granted to Indians as Indians, such a consistent and uniformly applied policy in granting such recognition is essential both to a sense of fairness and to the economic well-being of the unrecognized tribes.

Many Indian tribes (nearly 300) are recognized by the Federal government and receive Bureau of Indian Affairs and other Federal agency services, together with the numerous other benefits, privileges and immunities which attend Federal recognition. At the same time, however, more than 100 tribes, according to the American Indian Policy Review Commission, do not enjoy recognized status and thus are ineligible for most Federal Indian services, benefits, and privileges. This is through no fault of their own, but rather owing to the vagaries of fate and the inconsistencies which have

characterized Federal policy with regard to the granting of such recognized status to Indian tribes by the Department of Interior.

Recognition was initially a de facto condition growing out of treaty relationships which certain tribes had with the Federal government, or from the fact that certain tribes had concluded agreements with the Federal government, had been mentioned in Federal statutes or Executive Orders, or had otherwise dealt in some formal way with the Federal government. But, as the American Indian Policy Review Commission noted in its Final Report, submitted last year to Congress:

"The distinction (heretofore drawn) between the status of recognized and unrecognized tribes seems to be based merely on precedent -- whether at some point in a tribe's history it established a formal political relationship with the Government of the United States. The procedure was subject to an accident of history....

"The special Federal-Indian relationship usually was established by treaties. There are tribes, however, which have no treaties and receive services from the BIA; and there are tribes which signed treaties but do not receive services....

"Congressional measures mentioning a specific tribe often are used as the basis for a tribe's special relationship with the U.S. Government, but there are tribes mentioned in legislation that receive no Federal attention... (and) tribes which never were mentioned in legislation that receive services...." 1/

1/ American Indian Policy Review Commission, Final Report, p. 462 (May 17, 1977).

In addition, the concept of "recognition" as a prerequisite for a tribe's eligibility to receive many special Federal Indian services is not grounded in statutory law. As noted by the American Indian Policy Review Commission, "there is no legal basis for withholding general services from Indians, with the sole exception of specific termination Acts. There is no legitimate foundation for denying Indian identification to any tribe or community." (Final Report, p. 461).

H.R. 12996 would, thus, provide a uniform procedure and specific guidelines to be used by the Department of the Interior in extending recognition to qualified unrecognized tribes, and explicitly make such tribes eligible for all special Federal services and benefits which other Federally-acknowledged Indian tribes are eligible to receive by reason of their status. H.R. 12996 would provide for the orderly establishment of a Federal-Indian relationship with all legitimate tribes and would obviate the existing problem which denial of services on the basis of non-recognition has created. Such recognition would, in effect, acknowledge the existence of such tribes as valid, bona fide Indian tribal entities, and correct the "accidents of history" whereby deserving tribes have been denied such recognition. Ambiguity and inconsistency in extending Federal recognition would be banished in favor of a clearly defined policy, equally applied to all Indian groups.

Specifically, H.R. 12996 would provide the authority and the mechanism for establishing a uniform system of guidelines and procedures for the Department of the Interior to use in

determining the status of all presently unrecognized tribes, and by providing the Secretary of the Interior with the authority to extend such recognition when warranted. H.R. 12996 would, additionally, explicitly declare the eligibility of all recognized tribes for special Federal services, rights, privileges, benefits and immunities accorded Indians because of their status as Indians, and would provide for the extension of technical assistance to petitioning tribes in preparing their applications and researching their claims.

Mandatory criteria for recognition as set forth in H.R. 12996 are:

(1) Proof that the petitioning group has been identified as "Indian, Native American, or Aboriginal" for a "protracted period of time," but at least since enactment of the Indian Reorganization Act in 1934. Guidelines to be used in determining such proof are written into the legislation.

(2) Evidence of a "longstanding tribal political influence or other authority over members of the group."

Five additional criteria are included, one of which would be required in addition to the first two. Included in the five additional criteria are (a) existence of a treaty relationship with the U.S. government and (b) reference to, or identification of, the tribe in Federal legislation or Executive Orders. Proof of either of these criteria would be considered prima facie evidence of entitlement to recognition.

However, I am not irrevocably wedded to these criteria and would urge the Subcommittee to carefully consider making some

improvements which now appear necessary and which will be, I understand, explained in detail by tribal witnesses today.

This legislation is of particular interest to me and to my constituents. There are several unrecognized Indian groups in North Carolina, which are represented here today. I am pleased to see in attendance at this hearing, Chief W. R. Richardson, Chief of the Haliwa Indian Tribe of Halifax and Warren Counties. Chief Richardson represents the interests, I am sure, of all unrecognized tribes in North Carolina, and elsewhere, who deserve the full benefits of recognition and whose just cause I put forth today.

On behalf of the Haliwa Tribe, the other unrecognized Indian tribes of North Carolina, and all deserving unrecognized tribes, I state my full support for this legislation as a long overdue expression of the commitment of the United States to its Indian citizens, and to establish a consistent, fair, and even-handed policy in implementing that commitment with regard to Federal recognition.

95th Congress
2d Session

Mr. Rose

A B I L L

To establish an administrative procedure and guidelines to be followed by the Department of the Interior in its decision to acknowledge the existence of certain Indian tribes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 FINDINGS

4 SEC. 2. (a) The Congress, after careful study of the
5 history of American Indian policy, finds that:

6 (1) There are numerous Indian tribes who have not
7 been accorded a Federal relationship, especially the
8 services and protections provided pursuant to the
9 Federal-Indian trust responsibility. This failure to ac-
10 knowledge a Federal relationship with these tribes has

2

not been premised on grounds of law, justice, or equity, but rather has been due to a lack of clarity and consistency in those Federal laws and regulations relating to the standards and criteria upon which this relationship should be based.

(2) Failure on the part of the United States to so acknowledge the existence of certain Indian tribes has created confusion regarding eligibility for governmental services, such uncertainty leaving many tribes otherwise eligible for services without adequate governmental assistance.

(3) In order to equitably determine which Indian tribal groups are entitled to have their existence acknowledged by the Department of the Interior, an administrative procedure and policy guidelines to be followed by such Department in its decision to acknowledge the existence of certain Indian tribes must be established. This acknowledgment must continue to be premised upon the establishment of a government-to-government relationship with Indian tribes.

(4) Any mechanism established by Congress must

3

be based upon carefully developed criteria which will afford petitioning tribal groups an opportunity to resolve once and for all the issue of whether they are entitled to have their existence acknowledged by the Department of the Interior. Such congressional action shall not entail a diminishment of services and assistance to those tribes whose existence is already so acknowledged.

SEC. 3. (a) As used in this Act, the term—

(1) "Indian" means a member of or a descendant of any North American Indian tribal group or Alaska Native village.

(2) "Secretary" means the Secretary of the Interior.

SEC. 4. (a) There is hereby established within the Department of the Interior a special investigative office (hereinafter referred to in this Act as the "Office"), the duties of which are set forth below in section 4 (b). The Office shall be headed by a Director who shall be appointed by the Secretary, and who shall be compensated at the rate provided for level III of the Executive Schedule pay rates (5 U.S.C. 5314). The Director is authorized to appoint and fix the compensation of such employees as may be necessary to carry out the functions of the Office.

4.

(b) It shall be the function of the Office, among others, to—

(1) contact, within the twelve-month period following the date of enactment of this Act, all known Indian tribal groups in the United States whose existence has not been previously acknowledged by the Department of the Interior, including those listed in chapter 11 of the American Indian Policy Review Commission report. The Office shall inform all such tribal groups of their right to petition for an acknowledgment of tribal existence by the Department of the Interior, and shall report the results of its efforts in connection therewith to the appropriate committees of the Congress, the Secretary, and the Assistant Secretary for Indian Affairs;

(2) solicit statements from unacknowledged tribal groups, provide necessary technical assistance for the preparation of those statements, investigate the petitioning tribal group's historical background and Indian identity for verification purposes, report findings of such investigation to the Secretary, assist tribes in the organization and enrollment of their members, and refer tribal concerns to the appropriate departments or agencies of the Federal Government; and

(3) review all petitions for acknowledgment of tribal existence presently pending before the Bureau of

5

Indian Affairs and to allow the petitioning group to revise the petition if necessary to satisfy the guidelines specified in this Act. The priority date of the amended petition shall be that of the original filing date.

(c) After receiving any petition for acknowledgment of tribal existence, without regard to the form thereof, the Office shall offer technical assistance to the group to investigate its status. Such investigation shall at least include attention to the definitional factors set forth in section 5 of this Act. All correspondence received by the Bureau of Indian Affairs from unacknowledged tribal groups shall be directed to, and routed through, the Office.

(d) Within two years of receipt of an Indian tribal group's petition, the Office shall submit a written preliminary report to the petitioning Indian group. Upon receipt of this report, the group shall have six months to respond, including an opportunity to present oral argument to rebut the evidence relied upon. The Office shall have thirty days after petitioner's response to prepare a final report to be submitted to the petitioner and the Secretary, such report to be published in the Federal Register. The Secretary shall endorse or reject the findings of the Office contained in such report within six months following the receipt by him of such report.

(e) If the Secretary determines, on the basis of such

report, that any such group is an Indian tribal entity within the purview of this Act, the Secretary shall designate such group as a federally acknowledged Indian tribe. Upon the publication by the Secretary of that fact in the Federal Register, such tribe shall be entitled to all the rights, privileges, immunities, benefits, and other services which other federally acknowledged Indian tribes are eligible to receive by reason of their status.

(f)(1) Notice of any determination by the Office under subsection (d) or by the Secretary under subsection (e) that a group is not entitled to be designated as a federally acknowledged Indian tribe shall be submitted in writing to the petitioning group. Such notice shall include a statement of reasons for such determination and shall explain why the group does not satisfy the requirements of section 5.

(2) Upon a determination by the Secretary that a petitioning group is not entitled to be designated under this Act as a federally acknowledged Indian tribe, such group may obtain judicial review of such determination in an appropriate United States district court. The court shall conduct such a review on the record of the proceeding in order to determine whether the determination of the Secretary is supported by a preponderance of the evidence.

(3) If the court determines in an action brought under paragraph (2) that an Indian group is eligible to be designated as a federally acknowledged Indian tribe under this Act, the court, in issuing any final order in any such action, shall award costs of suit and reasonable fees for

attorneys and expert witnesses to such group. Any court, in issuing its decision in an action brought to review such an order, shall award costs of suit and reasonable fees for attorneys to any prevailing Indian group.

(g) The Office and the Secretary shall not base denial of acknowledgment to any Indian group on any other Federal law unless such law is specifically designed and intended to terminate a prior existing Federal-Indian relationship with such group.

(h) A denial of any petition shall not preclude an Indian group from resubmitting a petition at any time in the future.

(i) Upon acknowledgment by the Secretary that a petitioning group is eligible under section 5 of this Act, the tribe shall develop a membership roll. The process of determining the roll shall entail public notices, the formation of tribal committees to hear individuals' claims of direct tribal descent of a specified degree, and written statements of enrollment certification which must be recorded by the Bureau of Indian Affairs as well as by the tribe. At the request of the tribe, the Office shall provide technical assistance for the development of a membership roll.

(j) Annual budget requests for appropriations for any fiscal year from the Department of the Interior shall state the funds which have been directed to servicing those tribes whose existence was acknowledged in the preceding fiscal year.

Sec. 5. (a) The Secretary shall designate any Indian group as a federally acknowledged Indian tribe if the Secretary determines that--

(1) the group has had treaty relations with the United States, particular States, or preexisting colonial or territorial governments; or

(2) the group has been identified or referred to as an Indian tribe or designated as an Indian tribe by an Act of Congress or by an Executive order which may have provided for, or otherwise affected or identified, the rights, governmental structure, jurisdiction, or property of the Indian group.

For purposes of this subsection, the term "treaty relations" includes any formal relationship based on acknowledgement by any governmental entity referred to in paragraph (1) of the Indian group's separate or distinct status.

(b)(1) The Secretary shall designate as a federally acknowledged Indian tribe any Indian group not designated pursuant to subsection (a) upon a determination by the Secretary that--

(A) such group satisfies at least two requirements listed in paragraph (2) under subparagraphs (A) through (C); and

(B) such group satisfies at least one other requirement listed in paragraph (2) under subparagraphs (D) through (F).

(2) The requirements which an Indian group shall satisfy in accordance with paragraph (1) in order to be designated as a federally acknowledged Indian tribe under this subsection are as follows:

(A) The group has been identified as "Indian, Native American, or Aboriginal" for a protracted period of time, but in any event at least since enactment of the Indian Reorganization Act of 1934. Such longstanding Indian identity may include identification as a division of, combination of, or confederation with, other specific Indian tribes. Evidence to be relied upon in determining the group's longstanding Indian identity shall include but not be limited to any of the following:

(i) repeated identification as Indian by Federal authorities;

(ii) longstanding relationships with State governments based on identification of the group as Indian;

(iii) repeated dealings with a county, parish, or other local government in a unique relationship based on the group's Indian identity;

(iv) identification as Indian by records in courthouses, churches, or schools;

(v) identification as Indian by anthropologists, historians, or other scholars;

(vi) identification as Indian in newspapers and books;

(vii) any other evidence deemed relevant by the Office or the Secretary.

If the Secretary excludes from the proceeding any evidence offered under this section by a petitioning tribal group on the grounds that such evidence is not relevant to the proceeding or is otherwise impermissible, in any action under section 4(f)(2) the burden of proof shall be upon the United States to establish by a preponderance of the evidence that such evidence was irrelevant or otherwise impermissible.

(B) The group exhibits evidence of a longstanding tribal political authority or other influence over the members of the group, or possesses a longstanding relationship with the United States or particular States based upon acknowledgement of the Indian group's separate or distinct status. The evidence of such political authority or other influence may be demonstrated by a showing that the group has had a tribal council or other structure or method which the group has used as its own form of government or as a means of making group decisions or to determine its membership. Such evidence shall include evidence of traditional social mechanisms or political structures or organizations unique to the group.

(C) The group has been recognized as an Indian group by the State in which it is located.

(D) The group utilizes an identified American Indian language or shows other clear indications of Indian cultural retention.

(E) The group has held collective rights in tribal lands or funds, whether or not it was expressly designated a tribe.

(F) The group has been treated as an Indian tribe by other Indian tribes or groups. This factor may be evidenced by written statements from presently acknowledged tribes stating that they have related to the unacknowledged tribal group for purposes connected with any intertribal activity.

(c) The Secretary shall have the authority to acknowledge any group which he determines is Indian.

SEC. 6. Upon enactment of this Act, the Secretary shall publish in the Federal Register a list of all federally acknowledged Indian tribes, such list to be updated and published at least annually.

Sec. 7. The failure of any petitioning Indian tribal group to be designated by the Secretary under section 4(e) of this Act as a federally acknowledged Indian tribe shall not affect such group's eligibility for the special Indian services or benefits provided by any Federal agency or instrumentality other than the Department of the Interior.

Sec. 8. There are authorized to be appropriated for any fiscal year beginning after September 30, 1979, such sums as may be necessary to carry out this Act.

STATEMENT OF REPRESENTATIVE IKE ANDREWS (D-N.C.)

Mr. Chairman, and distinguished members of the Subcommittee on Indian Affairs and Public Lands, I am pleased to submit this statement in support of the bill introduced by my esteemed North Carolina colleague, Hon. Charles Rose, to establish an administrative procedure and guidelines to be followed by the U.S. Department of the Interior in its decision to acknowledge the existence of certain Indian tribes.

Earlier this year, shortly before I decided to co-sponsor this legislation, I received a letter on this matter from our distinguished Governor, Hon. James B. Hunt, Jr., and I would like to share with the Subcommittee his persuasive comments.

If there is no objection, may I quote from a portion of his letter:

"North Carolina has the fifth largest Indian population in the country and over 44,000 are members of non-recognized tribes. We want to help these people receive the same services and opportunities available to those members of recognized tribes.

"At the present time there is no clear method for establishing recognition. H.R. 11603 will provide specific criteria for future recognition without altering the status of already recognized tribes.

"The majority of Indian people in North Carolina will benefit greatly from this legislation. Our state Commission on Indian Affairs has given this bill its full support and I would like to ask you to serve as co-sponsor with Charlie on this bill and show that the State of North Carolina is solidly behind this legislation."

Thank you, Mr. Chairman.

TESTIMONY SUBMITTED BY:
 CUMBERLAND COUNTY ASSOCIATION FOR INDIAN PEOPLE, INC.
 FAYETTEVILLE, NORTH CAROLINA
 BEFORE THE UNITED STATES SENATE SELECT COMMITTEE ON INDIAN
 AFFAIRS, WASHINGTON, D.C.

AUGUST 9, 1978

It is a pleasure to address the issue of federal recognition to you and then again, it is sad that I have to do so. Since the founding of this country, American Indians have been subjected to policies which usually have been detrimental to them. None is so prevalent today as the policy of non-federal recognition for a large portion of the Indian people. Treaty relationships have long been the basis of Federal recognition with the bulk of these treaties being negotiated during the seventeen and eighteen hundreds. In the seventeen and eighteen hundreds as is true today, there was a general ignorance of the eastern Indian's tribal evolution and social and economic problems. Non-recognition has contributed to many problems for tribes who have never been afforded avenues for programs and services offered by Federal agencies which historically have relied on arbitrary methods for defining and establishing Federal recognition.

The albatross of non-Federal recognition has taken its greatest toll on eastern Indians basically by weaving a societal image of non-Indianess of these people and portraying an image that only the Bureau of Indian Affairs "makes" Indians through blood quantum validations and membership rolls. Yet, strangely enough, there is no legal or valid reason for denying tribes, bands or Indian groups Federal recognition status. Federal recognition has been used by various adminis-

trations to manipulate Indian people as a whole. Historically, the reservation system has been the divide and conquer mechanism used by the Government. The modern mechanism is Federal and non-Federal recognition. During this Nation's history, it has pushed policies aimed at the actual genocide of Indian people. Today the modern thrust, with Federal and non-Federal recognition as its weapons, is the actual genocide of the political cohesiveness of all native people. These policies seem even more absurd in light of the fact that Indian people make up such a small percentage of the population.

Non-Federally recognized groups have been conditioned to believe that they must compete with their federally recognized brothers to acquire recognized status. The historical non-Indian policies that have weaved today's divide and conquer scheme is incomprehensible to them. Such governmental deceit and deception will not in the long run contribute to a healthy democratic system that meets the needs of all races in this country. As Vine Deloria says, the Federal Government must abandon its "administrative timidity" and develop a uniform policy for recognition. Deloria also points out that the present system of recognition is discrimination sanctioned by Federal policies and administrative action.

It is not ethically or morally or legally right to deny a group of people services because of their blood content. Therefore, we encourage the Committee and Congress to act quickly in favor of this recognition bill.

We do not look forward to its benefits for us, but hope that our children may live in this land with doors of opportunity accessible to them that their ancestors only dreamed, hoped, and prayed for.

Thank you

*Sam Heald +
Roy McRae Chairman*

Respectfully submitted by:
JAMES HARDIN, Executive Director,
Cumberland County Association for Indian People.
Route 2, Box 2-B Downing Rd.
Fayetteville, N.C. 28301

Congressman Charlie Rose
218 Cannon House Office Building
Washington, D.C. 20515

August 4, 1978

Dear Congressman Rose,


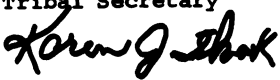
Enclosed is a written testimony on Bill HR 12996 for recognition from the Warroad Chippewa Indians.

We hope the information enclosed is efficient on what you need to present to the sub-committee on Indian Affairs and Public Lands.

We would like to take this opportunity to thank you for your much needed support.

Sincerely Yours,

Tribal Chairman


Tribal Secretary


LAND ALLOTMENTS - INFORMATION
 Kah Kay Gee Sick
 Nah May Poke
 Little Crow

Date of Allotments and Descendants

Ka Kee Ka Kee Sick

Lots 7 & 8, Section 28, and lot 1, section 27, T-163 N.,
 R. 36W., 5th PM,
 Roseau County, Minnesota, containing 102.2 acres, more or less.
 Trust patent August 30, 1905

Little Crow

Lot 5, Section 19, T-168 N., R. 34W., 5th PM, Lake of the
 Woods County, Minnesota, containing 20.85 acres, more or
 less.
 Trust patent February 6, 1915

N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 30, T-168 N., R. 34 W, 5th PM, Lake of the
 Woods County, Minnesota, containing 80 acres, more or less.
 Trust patent February 6, 1915

Na May Pock

Lots 1 & 2, SE $\frac{1}{4}$, NW $\frac{1}{4}$, section 29, T-163 N., R. 36 W., con-
 taining 113.95 acres, more or less.
 Trust patent August 30, 1905

TO: Honorable Members of the United States of America
in Congress.
FOR: Testimony on Indian Recognition Bill.
House of Representatives HR 12996
Senate S 2375
FROM: Warroad Chippewa Indian Community, Warroad, Minne-
sota 56763

whereas the Warroad community located in Northern Minne-
sota, non-federally recognized, cannot receive fed-
eral services afforded other American Indians, and

whereas our economic and social well-being is sub-standard
to non-Indian and other federally recognized In-
dians, and

whereas our Indian community members are direct descendants
of federally recognized Indians, of the Red Lake,
Minnesota Band of Chippewa Indians, and

whereas our forefathers chose to remain in their homelands,
nonremovable, during the land cessions of 1889, and

whereas our forefathers did take land allotments in the
Warroad, Minnesota, area, and during the years of
1905 and 1915, located in Roseau and Lake of the
Woods Counties in Minnesota, and

whereas by administrative action by the Red Lake General
Council, allottee descendants were removed from en-
rollment from a federally recognized tribe, and

whereas we have proof and documentation of descendency of
federally recognized American Indians, and

whereas we can and will enroll direct descendants of allot-
tees; names, Kah, Kay Gee sick, Nay-May-Pock, and
Little Crow, and

whereas Kah Kay Gee sick allotment is currently held in trust by the United States Federal Government, and proof of allotments made to aforementioned allottees are available in the Bureau of Indian Affairs, and enclosed are description of allotments made to said allottees, and

whereas this resolution should not be construed as sponsoring non-Indian groups, seeking federal services and trust relationships with the United States Government, and

therefore be it resolved that the Warroad Indian Community does hereby request the House of Representatives and the Senate of the United States of America, to enact legislation to authorize our Warroad Chippewa Indian Community federal recognition as American Indians, and to receive all federal services provided for other Indian; although we do not all reside on trust land in the community of Warroad.

We do hereby certify that the foregoing resolution was duly presented and enacted upon at a council meeting of our Warroad Chippewa Indian Organization, August 3, 1978.

FOR 12
AGAINST 0

Signed:

Chairman

Signed:

Secretary

THE DOWNHATAN CONFEDERATION

HASSANAMISCO RESERVATION
GRAFTON, MASSACHUSETTS 01819

Aug 1978

Item 2. Federal Recognition

Regarding bill H.R. 12996, we will not be able to attend but would like to state the following-

It is to the interest of all Indians that they be Federally recognized. Why should one group be "different" from the others? The archaic laws of the states should have been changed many years ago.

Of recent date Governor DUKEIS signed an Executive Order to acknowledge in a formal manner that the three indigenous tribes, Wampanoag, Mashpee, Wampanoag Gay Head and the Nipmuc were and are fully recognized by the State of Massachusetts.

In turn we do trust that the Federal Government will do likewise.

In Peace -
Zara, Cicco Brong
Sachem - Nipmuc
Tribe
Hassanamisco Reserve

THE POWHATAN CONFEDERATION(POWHATAN WIDOKODADIWIN)
FOUNDED BEFORE 1570**RAPPAHANNOCK INDIAN ASSOCIATION**

INDIAN NECK, VIRGINIA 23077

August 8, 1978

The Honorable Charlie Rose
House of Representatives
Washington, D.C. 20515

Dear Sir:

Pursuant to your letter dated July 28, 1978, we the members of the Rappahannock Tribe of Virginia were recognized in the 1677 Treaty with the British Crown and the Colony of Virginia. Enclosed you will find documentation of several sources.

As Rappahannock Indian people, we have never possessed the opportunity to benefit from federal programs sponsored by the B.I.A., the Departments of Commerce, Agriculture, Health Education and Welfare and therefore such injustice has caused even more hardships that could have counter-acted many of the social problems we now incur in this area.

The 697 members of our tribe are among those people in Virginia who have the lowest per capital income, poorest education, poorest housing, poorest health standards and highest mortality.

We sincerely hope that every effort will be made to correct the injustice that we have been subjected to since special programs have been granted to certain Native Americans due to our plight.

Thank you very much.

Sincerely yours,

*Captain Nelson*Captain Nelson, Chief
Rappahannock Indian Nation*Oliver Fortune*Oliver Fortune, Assistant Chief
Rappahannock Indian Nation

CN:OF:aw

Enclosure

GWAIKOHIMÁDISIWIN ACHI DIBENINDISOWIN
JUSTICE AND FREEDOM

Chief

TAIN NELSON

Secretary

IDYS NELSON

Richardson Preyer
Sixth District, North Carolina
Written Testimony
House Interior Subcommittee on Indian Affairs and Public Lands
August 10, 1978

Mr. Chairman, I appreciate this opportunity you have given me to make my views known on this very important issue of Federal recognition for previously non-recognized Indian tribal groups.

I have a special interest in this proposed legislation due to North Carolina's large Indian population. Our State has the fifth largest Indian population in the country and over 44,000 are members of Federally non-recognized tribes. Members of the non-recognized tribes in North Carolina, in addition to members of non-recognized tribes throughout the country, have suffered due to their inability to gain access to services that recognized members have been afforded.

Those Indian tribes that did not establish treaties with the Federal government are, to a large extent, excluded from being Federally recognized. Simply because these Indian tribal groups did not make demands on the Federal Government during our nation's early years, which led to treaties and recognition as sovereign nations, does not infer that they should be barred indefinitely from formally establishing their authenticity and gaining acknowledgement from the Federal Government. This problem will be alleviated by the administrative procedures and the Secretary of Interior's "authority to acknowledge any group which he determines Indian" provided for in the bill.

Richardson Preyer
Written Testimony
August 10, 1978
Page Two

As stated in the Final Report of the American Indian Policy Review Commission, "the relationship that exists between the tribes and the U.S. Government is premised on a special trust which must govern the conduct of the stronger toward the weaker." We must insure that non-recognized Indian tribes be given an opportunity to gain the same "Federal services, benefits, and entitlements" as the recognized tribes have received in order that this special trust not be violated.

Therefore, it is imperative that we take this opportunity to establish specific administrative procedures and guidelines to be followed by the Department of the Interior for recognizing these tribes. In addition, we must insure that the status of previously recognized tribes remains unaltered. I am of the opinion that H.R. 12996 accomplishes both purposes in a fair and just manner. It is my hope that the Committee will favorably consider the proposal.

Thank you.

STATEMENT OF RICK LAVIS, DEPUTY ASSISTANT SECRETARY OF THE INTERIOR-INDIAN AFFAIRS, ON H.R. 11630, H.R. 12691, H.R. 12830, and H.R. 12996, BILLS "TO ESTABLISH ADMINISTRATIVE PROCEDURE AND GUIDELINES TO BE FOLLOWED BY THE DEPARTMENT OF THE INTERIOR IN ITS DECISION TO ACKNOWLEDGE THE EXISTENCE OF CERTAIN INDIAN TRIBES", BEFORE THE HEARINGS OF THE SUBCOMMITTEE ON INDIAN AFFAIRS AND PUBLIC LANDS, INTERIOR AND INSULAR AFFAIRS COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, AUGUST 10, 1978.

Mr. Chairman and Members of the Committee, I am pleased to present the views of the Interior Department on H.R. 11630, H.R. 12691, H.R. 12830 and H.R. 12996.

These bills would establish an office within the Department of the Interior which would be responsible for communicating with all known tribal groups and informing them of their right to petition the Federal government for acknowledgment. That office would then review all such petitions in accordance with standards set forth in section 5 of the bill.

The Department of the Interior is currently in the process of developing administrative regulations on the recognition or acknowledgment question which will soon be ready to be published in final form.

The amount of consultation and discussion with tribal and other groups on Federal acknowledgment is unprecedented. Since June 16, 1977, our records show a total of 400 meetings, discussions, and conversations about Federal recognition with other Federal agencies, state government officials, tribal groups, petitioners, congressional staff members, and legal representatives of petitioning groups; 60 written comments on the initial proposed regulations of June 16, 1977, a national conference on Federal Acknowledgment attended by approximately 350 representatives of Indian tribes and organizations, and 32 comments on the revised proposed regulations, published on June 1, 1978.

It should be noted that the Congress, the Administration, the national Indian organizations, and many tribal groups are cooperating to find an equitable solution to what is a longstanding and very difficult problem in the field of Indian affairs.

Although as indicated in our report to the Committee, we do not support enactment of these bills as introduced, we would not object to a bill which specifically affirms the Secretary of the Interior's authority to recognize additional Indian groups. While we believe that the Secretary has that authority, there is no specific legislative authorization on the subject.

There are several basic concepts embodied in these bills which would make them difficult, if not impossible, to administer. These bills establish a separate office in the Interior Department to consider and process petitions for Federal recognition of Indian groups. While we agree that there should be a separate and distinct office for handling Federal recognition matters, we feel that it can and should be established within the existing administrative framework of the Bureau of Indian Affairs. We believe that establishment of such an office outside the Bureau would be an unnecessary duplication of personnel, since much of the needed expertise is currently within the Bureau.

The bills direct the Department to seek out and assist groups which may be interested in Federal acknowledgment, thus tacitly placing on the Department the burden of acquiring additional groups (or tribes) to be served. An unfavorable decision would be reviewable by the United States District

Court with the burden of proof on the Department to prove that the petitioners do not exist as Indian tribes. To prove such a negative assertion is extremely difficult. We strongly believe that the initiative and the burden of proof should be on the petitioning group. We also feel that a system of administrative appeals should be available before the matter is taken to court.

The bills provide upon acknowledgment by the Secretary that a petitioning group is an Indian tribe, the tribe shall develop a membership roll and at the request of the group the department shall provide technical assistance in the development of the roll. We believe that it is necessary for a group to establish at least a partial membership roll of known members prior to recognition by the United States. Without such documentation, it would be difficult, if not impossible, to verify the Indian character of the group and to demonstrate how the group exercises governmental influence over its membership or that the membership exists in tribal relations.

In conclusion, we would not object to legislation specifically confirming the Secretary's authority to recognize Indian groups. However, we cannot support enactment of H.R. 11630, H.R. 12691, H.R. 12830, and H.R. 12996 as introduced.

This concludes my statement. My associates and I will be pleased to respond to any questions the Committee may have.

Title 25 - Indians

AUG 24 1978

CHAPTER I - BUREAU OF INDIAN AFFAIRS
DEPARTMENT OF THE INTERIORPART 54 - PROCEDURES FOR ESTABLISHING THAT AN AMERICAN
INDIAN GROUP EXISTS AS AN INDIAN TRIBE

Final Rule

AGENCY: Bureau of Indian Affairs.

ACTION: Final rule.

SUMMARY: The Bureau publishes regulations which provide procedures for acknowledging that certain American Indian tribes exist. Proposed regulations were initially published on June 16, 1977. The period for public comment closed on September 18, 1977. Because of the comments received, substantive changes were made in the initially proposed regulations. Therefore, a second publication of the proposed regulations, with revisions was published on June 1, 1978. The period for public comment closed on July 3, 1978.

EFFECTIVE DATE:

FOR FURTHER INFORMATION CONTACT: Mr. John A. Shapard, Jr. Division of Tribal Government Services, Branch of Tribal Relations, telephone (202) 343-4045, principal author, Mr. John A. Shapard, Jr.

SUPPLEMENTARY INFORMATION:

Various Indian groups throughout the United States have requested that the Secretary of the Interior officially acknowledge them as Indian tribes. Heretofore,

the limited number of such requests permitted an acknowledgment of the group's status on a case-by-case basis at the discretion of the Secretary. The recent increase in the number of such requests before the Department necessitates the development of procedures to enable the Department to take a uniform approach in their evaluation.

Proposed regulations were published on June 16, 1977. Revised proposed regulations were published on June 1, 1978. The period for public comment closed on July 3. Throughout this period, from June 16, 1977, the amount of consultation and discussion with tribes and other groups on Federal acknowledgment has been unprecedented. Since June 16, 1977, our records show a total of 400 meetings, discussions and conversations about Federal acknowledgment with other Federal agencies, state government officials, tribal representatives, petitioners, congressional staff members, and legal representatives of petitioning groups; 60 written comments on the initial proposed regulations of June 16, 1977; a national conference on Federal acknowledgment attended by approximately 350 representatives of Indian tribes and organizations; and 34 comments on the revised proposed regulations, published on June 1, 1978.

This is a project in which the Congress, the administration, the national Indian organizations and many

tribal groups are cooperating to find an equitable solution to a longstanding and very difficult problem.

Most of the changes made in the final regulations from the revised proposed regulations were for clarification. The one concept which has been more strongly, emphasized in these final regulations is found in sections, 54.8 and 54.9. In these two sections, provision is made for a wider and more thorough notice of receipt of petition. Provision is also made for parties, other than the petitioner, to present evidence supporting or challenging the evidence presented in the petition or in the proposed findings.

This inclusion is in response to numerous requests from the public in the comments on both the initial and the revised regulations. Further, it is a continuation of the policy of open and candid communication with all parties concerned with the Federal Acknowledgment Project. We, therefore, have included measures which will keep all known concerned parties fully informed.

Persons interested in obtaining information about a petition or comments made in support of or in opposition to a petition should so request in writing. These records will be available on the same basis as other records within the Bureau.

A number of other comments were submitted by the public on the revised proposed regulations which bear a

specific response. It must be emphasized that the Department is not attempting to resolve administratively problems which were not resolved by Congress when the Indian Reorganization Act was passed.

There will be groups which will not meet the standards required by these regulations. Failure to be acknowledged pursuant to these regulations does not deny that the group is Indian. It means these groups do not have the characteristics necessary for the Secretary to acknowledge them as existing as an Indian tribe and entitled to rights and services as such.

Groups in Alaska are entitled to petition on the same basis as groups in the lower forty-eight states. These regulations, however, are not intended to apply to groups, villages or associations which are eligible to organize under the Alaskan Amendment of the Indian Reorganization Act (25 USC 473 a) or which did not exist prior to 1936.

It must again be emphasized that terminated groups, bands or tribes are not entitled to acknowledgment under these regulations. Even though many of these groups would be able to easily meet the criteria, the Department cannot administratively reverse legislation enacted by Congress.

It should also be noted that recognition by State government officials or legislatures is not conclusive

evidence that the group meets the criteria set forth herein.

The Department received a number of comments concerning section 54.9 (f). Some felt that the Assistant Secretary should be required to notify the petitioner of his decision within a specified time after receipt of the petition. Because of the large backlog of petitions presently on file, the size of the staff and other research considerations, the time requirement was considered impractical. We strongly feel the fairest and most practical approach is the one taken in the regulations.

The Department must be assured of the tribal character of the petitioner before the group is acknowledged. Although petitioners must be American Indians, groups of descendants will not be acknowledged solely on a racial basis. Maintenance of tribal relations--a political relationship--is indispensable.

Finally, the definitions are an integral part of the regulations and should be carefully read as such.

This is a new Part 54 to Subchapter G of Chapter I of Title 25 of the Code of Federal Regulations to read as follows:

**PART 54--PROCEDURES FOR ESTABLISHING THAT AN AMERICAN
INDIAN GROUP EXISTS AS AN INDIAN TRIBE.**

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The authority for the Assistant Secretary--Indian Affairs to issue these regulations is contained in 5 U.S.C. 301; and Sections 463 and 465 of the revised statutes 25 U.S.C. 2 and 9; and 230 DM 1 and 2.

§ 54.1 Definitions.

- (a) "Secretary" means the Secretary of the Interior or his authorized representative.
- (b) "Assistant Secretary" means the Assistant Secretary--Indian Affairs, or his authorized representative.
- (c) "Department" means the Department of the Interior.
- (d) "Bureau" means the Bureau of Indian Affairs.
- (e) "Area Office" means the Bureau of Indian Affairs Area Office.

(f) "Indian tribe," also referred to herein as "tribe," means any Indian group within the continental United States that the Secretary of Interior acknowledges to be an Indian tribe.

(g) "Indian group" or "group" means any Indian aggregation within the continental United States that the Secretary of the Interior does not acknowledge to be an Indian tribe.

(h) "Petitioner" means any entity which has submitted a petition to the Secretary requesting acknowledgment that it is an Indian tribe.

(i) "Autonomous" means having a separate tribal council, internal process, or other organizational mechanism which the tribe has used as its own means of making tribal decisions independent of the control of any other Indian governing entity. Autonomous must be understood in the context of the Indian culture and social organization of that tribe.

(j) "Member of an Indian group" means an individual who is recognized by an Indian group as meeting its membership criteria and who consents to being listed as a member of that group.

(k) "Member of an Indian tribe" means an individual who meets the membership requirements of the

tribe as set forth in its governing document or is recognized collectively by those persons comprising the tribal governing body, and has continuously maintained tribal relations with the tribe or is listed on the tribal rolls of that tribe as a member, if such rolls are kept.

(l) "Historically", "historical" or "history" means dating back to the earliest documented contact between the aboriginal tribe from which the petitioners descended and citizens or officials of the United States, Colonial or territorial governments, or if relevant, citizens and officials of foreign governments from which the United States acquired territory.

(m) "Continuously" means extending from generation to generation throughout the tribe's history essentially without interruption.

(n) "Indigenous" means native to the continental United States in that at least part of the tribe's aboriginal range extended into what is now the continental United States.

(o) "Community" or "specific area" means any people living within such a reasonable proximity as to allow group interaction and a maintenance of tribal relations.

(p) "Other party" means any person or organization, other than the petitioner who submits comments or evidence in support of or in opposition to a petition.

§ 54.2 Purpose.

The purpose of this part is to establish a Departmental procedure and policy for acknowledging that certain American Indian tribes exist. Such acknowledgment of tribal existence by the Department is a prerequisite to the protection, services and benefits from the Federal Government available to Indian tribes. Such acknowledgment shall also mean that the tribe is entitled to the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their status as Indian tribes as well as the responsibilities and obligations of such tribes. Acknowledgment shall subject the Indian tribe to the same authority of Congress and the United States to which other federally acknowledged tribes are subjected.

§ 54.3 Scope.

(a) This part is intended to cover only those American Indian groups indigenous to the continental United States which are ethnically and culturally identifiable, but which are not currently acknowledged as Indian tribes by the Department. It is intended to apply to groups which can establish a substantially continuous tribal existence and which have functioned as autonomous entities throughout history until the present.

(b) This part does not apply to Indian tribes, organized bands, pueblos or communities which are already acknowledged as such and are receiving services from the Bureau of Indian Affairs.

(c) This part is not intended to apply to associations, organizations, corporations or groups of any character, formed in recent times; provided that a group which meets the criteria in section 54.7 (a) - (g) has recently incorporated or otherwise formalized its existing autonomous process will have no bearing on the Assistant Secretary's final decision.

(d) Nor is this part intended to apply to splinter groups, political factions, communities or groups of any character which separate from the main body of a tribe currently acknowledged as being an Indian tribe by the Department, unless it can be clearly established that the group has functioned throughout history until the present as an autonomous Indian tribal entity.

(e) Further, this part does not apply to groups which are, or the members of which are, subject to Congressional legislation terminating or forbidding the Federal relationship.

§ 54.4 Who may file.

Any Indian group in the continental United States which believes it should be acknowledged as an Indian tribe, and can satisfy the criteria in Section 54.7,

may submit a petition requesting that the Secretary acknowledge the group's existence as an Indian tribe.

§ 54.5 Where to file.

A petition requesting the acknowledgment that an Indian group exists as an Indian tribe shall be filed with the Assistant Secretary--Indian Affairs, Department of the Interior, 18th & "C" Streets N. W., Washington, D. C. 20245. Attention: Federal Acknowledgment Project.

§ 54.6 Duties of the Department.

(a) The Department shall assume the responsibility to contact, within a twelve-month period following the enactment of these regulations, all Indian groups known to the Department in the continental United States whose existence has not been previously acknowledged by the Department. Included specifically shall be those listed in Chapter 11 of the American Indian Policy Review Commission Final Report, Volume One, May 17, 1977. The Department shall inform all such groups of the opportunity to petition for an acknowledgment of tribal existence by the Federal Government.

(b) The Secretary shall publish in the FEDERAL REGISTER within 90 days after effective date of these regulations, a list of all Indian tribes which are recognized and receiving services from the Bureau of Indian Affairs. Such list shall be updated and published annually in the FEDERAL REGISTER.

(c) Within 90 days after the effective date of the final regulations, the Secretary will have available suggested guidelines for the format of petitions, including general suggestions and guidelines on where and how to research for required information. The Department's example of petition format, while preferable, shall not preclude the use of any other format.

(d) The Department shall, upon request, provide suggestions and advice to researchers representing a petitioner for their research into the petitioner's historical background and Indian identity. The Department shall not be responsible for the actual research on behalf of the petitioner.

§ 54.7 Form and content of the petition.

The petition may be in any readable form which clearly indicates that it is a petition requesting the Secretary to acknowledge tribal existence. All the criteria (a) - (g) listed below are mandatory in order for tribal existence to be acknowledged and must be included in the petition.

(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian", or "aboriginal." A petitioner, shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years. Evidence to be relied upon in determining

the group's substantially continuous Indian identity shall include one or more of the following:

- (1) Repeated identification by Federal authorities;
- (2) Longstanding relationships with state governments based on identification of the group as Indian;
- (3) Repeated dealings with a county, parish, or other local government in a relationship based on the group's Indian identity;
- (4) Identification as an Indian entity by records in courthouses, churches, or schools;
- (5) Identification as an Indian entity by anthropologists, historians, or other scholars;
- (6) Repeated identification as an Indian entity in newspapers and books;
- (7) Repeated identification and dealings as an Indian entity with recognized Indian tribes or national Indian organizations.

(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area, and that its members are descendants of an Indian tribe which historically inhabited a specific area.

(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous

entity throughout history until the present.

(d) A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

Evidence acceptable to the Secretary of tribal membership for this purpose includes but is not limited to:

(1) Descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes;

(2) State, Federal or other official records or evidence identifying present members or ancestors of present members as being an Indian descendant and a member of the petitioning group;

(3) Church, school, and other similar enrollment records indicating the person as being a member of the

petitioning entity;

(4) Affidavits of recognition by tribal elders, leaders or the tribal governing body, as being an Indian descendant of the tribe and a member of the petitioning entity.

(5) Other records or evidence identifying the person as a member of the petitioning entity.

(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

(g) The petitioner is not, nor are its members, the subject of Congressional legislation which has expressly terminated or forbidden the Federal relationship.

§ 54.8 Notice of receipt of petition.

(a) Within 30 days after receiving a petition, the Assistant Secretary shall send an acknowledgment of receipt, in writing, to the petitioner, and shall have published in the FEDERAL REGISTER a notice of such receipt including the name and location, and mailing address of the petitioner and other such information that will identify the entity submitting the petition and the date it was received. The notice shall also indicate where a copy of the petition may be examined.

(b) Groups with petitions on file with the Bureau on the effective date of these regulations shall be notified within 90 days from the effective date that their petition is on file. Notice of that fact, including the information required in paragraph (a) of this section, shall be published in the FEDERAL REGISTER. All petitions on file on the effective date will be returned to the petitioner with guidelines as specified in Section 54.6(c) in order to give the petitioner an opportunity to review, revise or supplement the petition. The return of the petition will not affect the priority established by the initial filing.

(c) The Assistant Secretary shall also notify, in writing, the Governor and Attorney General of any State in which a petitioner resides.

(d) The Assistant Secretary shall also cause to be published the notice of receipt of the petition in a major newspaper of general circulation in the town or city nearest to the petitioner. The notice will include, in addition to the information in Section (a) of this part, notice of opportunity for other parties to submit factual or legal arguments in support of or in opposition to the petition. Such submissions shall be provided to the petitioner upon receipt by the Federal Acknowledgment

staff. The petitioner shall be provided an opportunity to respond to such submissions prior to a final determination regarding the petitioner's status.

§ 54.9 Processing the petition.

(a) Upon receipt of a petition, the Assistant Secretary shall cause a review to be conducted to determine whether the petitioner is entitled to be acknowledged as an Indian tribe. The review shall include consideration of the petition and supporting evidence, and the factual statements contained therein. The Assistant Secretary may also initiate other research by his staff, for any purpose relative to analyzing the petition and obtaining additional information about the petitioner's status, and may consider any evidence which may be submitted by other parties.

(b) Prior to actual consideration of the petition, the Assistant Secretary shall notify the petitioner of any obvious deficiencies, or significant omissions, that are apparent upon an initial review, and provide the petitioner with an opportunity to withdraw the petition for further work or to submit additional information or a clarification.

(c) Petitions shall be considered on a first come, first serve basis determined by the date of original filing with the Department. The Federal Acknowledgment Project staff shall establish a priority register including those petitions already pending before the Department.

(d) The petitioner and other parties submitting comments on the petition shall be notified when the petition comes under active consideration. They shall also be notified who is the primary Bureau staff member reviewing the petition, his back-up, and supervisor. Such notice shall also include the office address and telephone number of the primary staff member.

(e) A petitioning group may, at its option and upon written request, withdraw its petition prior to publication by the Assistant Secretary of his finding in the FEDERAL REGISTER and, may if it so desires, file an entirely new petition. Such petitioners shall not lose their priority date by withdrawing and resubmitting their petitions later, provided the time periods in paragraph (f) of this section shall begin upon active consideration of the resubmitted petition.

(f) Within one year after notifying the petitioner that active consideration of the petition has begun, the Assistant Secretary shall publish his proposed findings in the FEDERAL REGISTER. The Assistant Secretary may extend that period up to an additional 180 days upon a showing of due cause to the petitioner. In addition to the proposed findings, the Assistant Secretary shall prepare a report which shall summarize the evidence for the proposed decision. Copies of such report shall be available for the petitioner and other parties upon

written request.

(g) Upon publication of the proposed findings, any individual or organization wishing to challenge the proposed findings shall have a 120-day response period to present factual or legal arguments and evidence to rebut the evidence relied upon.

(h) After consideration of the written arguments and evidence rebutting the proposed findings, the Assistant Secretary shall make a determination regarding the petitioner's status, a summary of which shall be published in the FEDERAL REGISTER within 60 days from the expiration of the response period. The determination will become effective in 60 days from publication unless earlier withdrawn pursuant to Section 54.10.

(i) The Assistant Secretary shall acknowledge the existence of the petitioner as an Indian tribe when it is determined that the group satisfies the criteria in Part 54.7.

(j) The Assistant Secretary shall refuse to acknowledge that a petitioner is an Indian tribe if it fails to satisfy the criteria in Part 54.7. In the event the Assistant Secretary refuses to acknowledge the eligibility of a petitioning group, he shall analyze and forward to the petitioner other options, if any, under which application for services and other benefits may be made.

54.10 Reconsideration and final action.

(a) The Assistant Secretary's decision shall be final for the Department unless the Secretary requests him to reconsider within 60 days of such publication. If the Secretary recommends reconsideration, the Assistant Secretary shall consult with the Secretary, review his initial determination, and issue a reconsidered decision within 60 days which shall be final and effective upon publication.

(b) The Secretary in his consideration of the Assistant Secretary's decision may review any information available to him, whether formally part of the record or not; where reliance is placed on information not of record, such information shall be identified as to source and nature, and inserted in the record.

(c) The Secretary may request reconsideration of any decision by the Assistant Secretary but shall request reconsideration of any decision, which in his opinion:

(1) would be changed by significant new evidence which he has received subsequent to the publication of the decision; or

(2) a substantial portion of the evidence relied on was unreliable or was of little probative value; or

(3) the petitioner's or the Bureau's research appears inadequate or incomplete in some material respect.

(d) Any notice which by the terms of these regulations must be published in the FEDERAL REGISTER, shall also be mailed to the petitioner, the Governors and Attorney Generals of the States involved, and to other parties which have commented on the proposed findings.

54.11 Implementation of decisions.

(a) Upon final determination that the petitioner is an Indian tribe, the tribe shall be eligible for services and benefits from the Federal Government available to other federally recognized tribes and entitled to the privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes with a government-to-government relationship to the United States as well as having the responsibilities and obligations of such tribes. Acknowledgment shall subject such Indian tribes to the same authority of Congress and the United States to which other federally acknowledged tribes are subjected.

(b) While the newly recognized tribe shall be eligible for benefits and services, acknowledgment of tribal existence will not create an immediate entitlement to existing Bureau of Indian Affairs programs. Such programs shall become available upon appropriation

of funds by Congress. Requests for appropriations shall follow a determination of the needs of the newly recognized tribe.

(c) Within 6 months after acknowledgment that the petitioner exists as an Indian tribe, the appropriate Area Office shall consult and develop in cooperation with the group, and forward to the Assistant Secretary, a determination of needs and a recommended budget required to serve the newly acknowledged tribe. The recommended budget will be considered along with other recommendations by the Assistant Secretary in the usual budget-request process.

/s/ George V. Goodwin

Deputy Assistant Secretary--Indian Affairs

BOOK 1 OF 3 BOOKS TUESDAY, JANUARY 2, 1979



(4810-02-2)

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

NOTICE OF PETITION FOR FEDERAL ACKNOWLEDGMENT OF EXISTENCE AS INDIAN TRIBES

December 28, 1978.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 230 DM 2.

Pursuant to 25 CFR 84.8(b), notice is hereby given that prior to October 2, 1978, the effective date of 25 CFR Part 84, the following groups filed petitions for acknowledgment by the Secretary of the Interior that they exist as Indian tribes.

Section 84.8(b) of the regulations gives each petitioning group the opportunity to review, revise or supplement its petition. Therefore, the original petition, with a copy of the guidelines, will be returned to each petitioning group. The return of the petition will not affect the priority established by the initial filing. This is a notice of receipt of petition and does not constitute notice that the petitions listed are under active consideration. Notice of active consideration will be by mail to petitioners and other interested parties at the appropriate time.

Aistoppe Valley Indian Community, c/o Mr. Walter Dole, Post Office Box 24, Colver, California 91607, 07/09/78.

Cherokee Indians of Georgia, Inc. c/o Mr. J. C. White Cloud Republic, 1318 1424 Avenue, Columbus, Georgia 31801, 06/06/77.

Cherokee-Apache Indians, c/o Mr. Raymond L. Stark, Route 1, Box 108, Mobile, Louisiana 71402, 07/02/78.

Chillico-Chocaw Indians, c/o Mr. Ames Trier, Route 1, Box 51A, Mena, Louisiana 71454, 03/22/78.

Coss Tribe of Indiana, c/o Mr. Russell Anderson, Box 2604, Coss Bay, Oregon 97143, 10/01/78.

Coville Tribe of Indiana (Lewis County), c/o Mr. Joseph E. Choquet, 2615 Dale Lane

Dept. Tucson, Washington 98434, 09/27/78.

Creek Nation East of the Mississippi (Pocah, Alabama), c/o Mr. Thomas N. Turven, Native American Rights Fund, Post Office Box 288, Calais, Maine 04106, 06/15/78.

Creeks East of the Mississippi, c/o Mr. John Wesley Thumley, Post Office Box 123, Molino, Florida 32877, 03/21/73.

Delaware-Muncie, c/o Mr. Clio Caleb Church, Box 274, Pomona, Kansas 66078, 06/19/78.

Duwamish Indian Tribe, 15414 1st Avenue S., Seattle, Washington 98148, 06/07/77.

Eastern Pequot Indians of Connecticut, c/o Mr. Roy Sebastian, Lantern Hill Reservation, RFD 7, Box 941, Ledyard, Connecticut 06339, 06/28/78.

Faircloth Indians, c/o Mr. Jerry Lee Faircloth, Sr., Post Office Box 161, Atlantic, North Carolina 28511, 06/05/78.

Florida Tribe of Eastern Creek Indians, c/o Mr. James E. Waite, Post Office Box 462, Pensacola, Florida 32592, 06/02/78.

Four Hole Indian Organization-Edisto Tribal Council, c/o Mr. Robert Davidson, Route 3, Box 42P, Ridgeville, South Carolina 29472, 12/30/78.

Grand Traverse Band of Ottawa-Chippewas, c/o Eleasha M. Pastor, Michigan Indian Legal Services, 3041 N. Garfield Road, Traverse City, Michigan 49844, 06/06/78.

Hattiesburg-Tuscarora Indians, c/o Mr. Vernon Locklear, Route 3, Box 47A, Maxton, North Carolina 28554, 06/24/78.

Huron Potawatomi Band, Mr. David Mackety, Route 1, Fulton, Michigan 48505, 03/11/72.

Ione Band, c/o Mrs. Bernice Villa, Route 1, Box 191, Ione, California 95640, 1918.

Jamestown Ciallam Tribe of Indians, Route 5, Box 897, Fort Angeles, Washington 98992, 01/22/78.

Lac Vieux Desert, c/o Mr. John McGeehick, Post Office Box 118, Watersmeet, Michigan 49969, 06/01/71.

Little Shell Band of North Dakota, c/o Ms. Mary Z. Wilson, Dunselth, North Dakota 58529, 11/11/75.

Little Shell Tribe of Chippewa Indians of Montana, c/o Mr. George Plummer, Star Route, Post Office Box 21, Dodson, Montana 59534, 04/25/78.

Lower Muskegee Creek Tribe East of the Mississippi, Inc., c/o Mr. Neal McCormick, Route 1, Tama Reservation, Cairo, Georgia 31728, 02/02/72.

Massapee Wampanoag, Route 130 Mashpee, Massachusetts 02649, 07/07/78.

Mohegan Indian Group, Mr. John E. Hamilton, c/o Mr. Jerome M. Griner, Attorney and Counselor at Law, 47 North Main Street, West Hartford, Connecticut 06107, 07/12/78.

Mono Lake Indian Community, c/o Mr. William J. Anderson, Post Office Box 237, Lee Vining, California 93541, 07/09/78.

Munsee-Thames River Delaware, c/o Mr. William Lee Little Soldier, Post Office Box 587, Manitou Springs, Colorado 80911, 07/22/77.

Nanticoke Indian Association, c/o Mr. Kenneth S. Clark, Route 1, Box 107A, Millsboro, Delaware 19966, 08/08/78.

Piscataway Indians, c/o Mr. J. Hugh Proctor, General Delivery, Box 946, Waldorf, Maryland 20601, 02/22/78.

Plumas County Indians, Inc., c/o Mr. John R. Lewis, Post Office Box 833, 206 Main Street, Greenville, California 95647, 01/06/77.

Principal Creek Indian Nation, East of the Mississippi, c/o Mr. Arthur S. Turner, Post Office Box 261, Florida, Alabama 36442, 11/09/71.

Shinnecock Tribe of Indians, c/o Mr. Robert Wooten, Shinnecock Tribal Office, Post Office Box 217, Anacortes, Washington 98221, 06/13/75.

San Juan de Guadalupé Tiva (Tortugosa, New Mexico), c/o Diamond, Rash, Leslie & Schwartz, 1208 Southwest National Bank, El Paso, Texas 79901, 11/03/76.

Shinnecock Tribe, Post Office Box 59, Southampton, New York 11968, 02/08/78.

Snohomish Tribe of Indians, c/o Mr. Alfred Cooper, Snohomish Corresponding Secretary, 5101 27th Avenue West, Everett, Washington 98203, 03/03/75.

Snoqualmie Indian Tribe, c/o Ms. Helen C. Harvey, 30284 151th S.E., Kent, Washington 98031, 02/05/76.

Southeastern Cherokee Confederacy, Inc., c/o Mr. W. R. Jackson, Route 1, Box 111, Leesburg, Georgia 31763, 03/09/87.

Stellacoosum Tribe, c/o Ms. Joan K. Marshall, 2212 A Street, Tacoma, Washington 98402, 04/28/74.

Taimshian Tribal Council, 1067 Woodland Avenue, Ketchikan, Alaska 99901, 07/02/78.

Tunica-Biloxi Indian Tribe (Markville, Louisiana), c/o Native American Rights Fund, 1713 N Street, N.W., Second Floor, Washington, D.C. 20036, 09/07/1923.

Divisions may be examined in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 1825 and C Streets, N.W., Washington, D.C. 20542.

**Rex Lavin,
Acting Assistant Secretary,
Indian Affairs.**

(FR Doc. 78-32864 Filed 12-28-78; 2-6 am)



IN REPLY REFER TO:

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

GUIDELINES
FOR PREPARING
A
PETITION FOR
FEDERAL ACKNOWLEDGMENT
AS AN INDIAN TRIBE

December 1978



Save Energy and You Serve America!

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INTRODUCTION

Background

In the past, there was no standard procedure for acknowledging Indian groups which requested to be recognized as Indian tribes. On September 5, 1978, the Department of the Interior published regulations to provide "Procedures for establishing that an American Indian Group exists as an Indian tribe." The regulations, which became effective on October 2, standardize and clarify the procedure and the criteria to be used for submitting and considering requests for acknowledgment.

Section 54.6(c) requires that guidelines be available to assist interested groups in submitting petitions for acknowledgment and to provide a suggested format.

Guidelines are not additional requirements

These guidelines are intended to explain and clarify the regulations, as well as to provide suggestions to groups which are interested in petitioning for acknowledgment. They are not additional regulations or requirements. A petition may be filed in any form which the petitioner believes most strongly presents the group's case.

To petition for Federal acknowledgment

A request for the Secretary of the Interior to acknowledge that a particular group exists as an Indian tribe begins with a petition from the leaders of the group.

Suggestions to speed processing of petitions

While the petition may be in any form, much less time will be needed for the Bureau to process the petition and publish a decision if the following items are kept in mind:

- (1) Use the suggested format as far as possible.
- (2) Use footnotes to show where the information was found. List books, articles and newspapers by name, location and page numbers. Give file numbers, subjects, and the location of the

files. If the information used was given verbally, note who gave it and when, their address, and tell why they are considered to be expert.

(3) Send at least three copies of your petition. This will allow several specialists to work on your petition at the same time. It is recommended that petitions be sent by certified mail with a return receipt requested. Petitions and documentation must be clear and readable.

(4) Include copies of important documents with the petition. Do not send originals of any documents. If originals are needed, the Federal Acknowledgment Project staff will contact the petitioner.

Public Review of the Petition

It should be noted that the petition will be available for public review and that any information contained in a petition will be available to interested parties on the same basis as other records of the Bureau of Indian Affairs. Personal data about tribal members is protected by the Privacy Act. Examples of personal data to be withheld from public review include, but are not limited to, addresses, phone numbers, dates and places of birth, marriage and death, social security numbers, health and benefit records, and military service records.

Assistance in preparing a petition

In the section entitled "Discussion of Criteria" which follows later in the guidelines, suggestions are made regarding where the petitioner may be able to find professional assistance for researching and preparing the petition. Suggestions on how to locate help are included in these guidelines. Technical advice and answers to specific questions will be available from the Federal Acknowledgment staff by telephone or letter.

DISCUSSION OF CRITERIA IN §54.7(a)-(g)

In order to be acknowledged as an Indian tribe by the Department of the Interior, a petitioner must meet all seven of the criteria found in §54.7 of the regulations, subsections (a) through (g). It is very important for the petitioner to thoroughly discuss how the group meets each criterion.

The following is an explanation of the seven criteria in §54.7, Subsections (a) through (g). The criterion as found in the regulations is cited first, followed by a discussion.

54.7 The petition may be in any readable form which clearly indicates that it is a petition requesting the Secretary to acknowledge tribal existence. All of the criteria in paragraphs (a)-(g) of this section are mandatory in order for tribal existence to be acknowledged and must be included in the petition.

- (a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years. Evidence to be relied upon in determining the group's substantially continuous Indian identity shall include one or more of the following:

In this section the petitioners should show the group has been known as Indian from the first contact with non-Indians until

the present. A year-by-year history is not necessary, but give as much detail as possible.

The following are the kinds of evidence which should be used to show that the group has been identified as American Indian all through history until the present. The petitioner need not use all of the types of evidence listed in §54.7(a). Although it might be possible to establish continuous Indian identity using only one type of evidence, it would strengthen the petition if more were used.

54.7(a)(1) Repeated identification by Federal authorities;

Repeated identification by Federal authorities can be shown through the use of treaties, agreements, old Army records, contacts with the Bureau of Indian Affairs, Federal court records, Federal land records and maps, annuity rolls, Indian school records, services received as an Indian entity from other Federal agencies, census records, records of Federal Indian trading systems, Indian depredation claims records, Indian census lists, and tribal rolls. This list is not complete; it merely illustrates the various kinds of records available to the petitioners.

Most of these records will be found in the National Archives and its branches or the Library of Congress.

54.7(a)(2) Longstanding relationships with
State governments based on
identification of the group as
Indian;

Longstanding relationships between state governments and the group can be shown by the existence of state reservations; dealings with state Indian commissions; inclusion in state budgets and periodic ceremonies with state officials. In addition, special mention of the group in state laws; records pertaining to state censuses, state school systems, the state militia, state courts, and social services and law enforcement can be useful. Records of colonial governments may be helpful. These are only examples of the kinds of records which can be used. There may be others which will be just as useful.

Most of these records can be found in state archives. It would also be useful to examine the records of state and local libraries and historical societies. Ask employees in these offices for advice and additional suggestions about where to look.

- 54.7(a)(3) Repeated dealings with a county, parish, or other local government in a relationship based on the group's Indian identity;

Repeated dealings as a group with county, parish, or other local governments can be shown by the existence of various types of records. These include the following: land held in trust; special services provided for the group; local courts; land and tax offices; law enforcement services; inclusion in local budgets and periodic ceremonies with local officials; and local ordinances referring to the group.

These records are generally found in local courthouses. Some may be found in state archives.

- 54.7(a)(4) Identification as an Indian entity by records in courthouses, churches, or schools;

There are a number of different kinds of records held in courthouses, by churches or church groups, and by schools which may be helpful in identifying the group as Indian.

It is suggested that the petitioner talk with the county clerk, secretary of the school board, and area religious leaders. A more complete discussion of these types of records can be found in other sections.

Many churches did social and religious work with Indian groups. Talk to state and local historical societies or local religious leaders about the location of these types of records. See the section entitled "Reference Books and Guides" for directories.

- 54.7(a)(5) Identification as an Indian entity by anthropologists, historians, or other scholars;

Anthropologists, historians, and other scholars who specialize in American Indian history and ethnology may have identified the petitioner as "American Indian", or "aboriginal." Books, articles, and unpublished graduate papers, doctoral dissertations, masters' theses, field notes and items of this nature would be valuable pieces of evidence for a petitioner.

Talk to state and local historical societies or local librarians about the location of these types of records. Consult the section "Reference Books and Guides" for appropriate directories.

- 54.7(a)(6) Repeated identification as an Indian entity in newspapers and books;

Identification of the group as Indian in books, newspaper articles, magazines, and other periodicals may aid the petitioner. Some of this material may not be as reliable

as other types of evidence, and it would not be desirable to base an entire petition on it.

See "Reference Books and Guides" section and ask your local librarian for additional suggestions.

- 54.7(a)(7) Repeated identification and dealings as an Indian entity with recognized Indian tribes or national Indian organizations.

Repeated identification of the petitioning group may be found in the resolutions, minutes of meetings, membership lists and other records of recognized tribes, and national or regional Indian organizations.

- 54.7(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area, and that its members are descendants of an Indian tribe which historically inhabited a specific area.

In this section the petitioning group should demonstrate that a sizeable number of its members live close enough to each other to meet, associate, and conduct tribal business on a regular basis, and that they do so. One way the petitioner can establish this is to show that there are social and religious activities and meetings of organizations which are

attended entirely or predominantly by members of the group. Maps showing where members live will also be useful in demonstrating that they live close enough to maintain tribal relations.

Also, the community should be of such a nature that it is viewed by itself, and others, as American Indian and distinct from other populations living in the same area. Members of the community must be descendants of an Indian tribe which inhabited a specific area. It is not necessary for the present group to be located in the same area as its aboriginal ancestors. Information gathered for subsections (a) and (e) could also apply to this section.

The petitioner may want to seek professional assistance from anthropology, political science, or urban/rural planning departments of nearby colleges, universities or high schools. See other suggestions under §54.7(c) and "Reference Books and Guides."

- 54.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

The petitioner should demonstrate that there exists now and has existed throughout history a method of dealing with group

problems and making group decisions. Evidence should be provided regarding how decisions were made and carried out,

Indian self-government may take a variety of forms. Some examples are formal or informal selection of leaders or spokesmen, group meetings, enforcement of group decisions, and group relations with outsiders. This can be demonstrated by showing the group has formal or informal leaders or councils and that they control the group or influence and guide it. Examples of group decisions are settlement of disputes, control of land or property, and trade or other dealings with outsiders. It is desirable to provide more than one example and to provide examples for as many years as possible.

It should also be shown that the petitioner's actions are independent of the authority of other Indian groups. Much of the information for this section may be obtained from the same sources and using the same methods as outlined in §54.7(a) and (b).

- 54.7(d) A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

Petitioners who are currently governed by written documents such as constitutions and bylaws, charters, or rules of order should include up-to-date copies of them with the petition. If the governing document does not include a statement of how the group determines its membership, a separate statement must be provided.

If there is no written governing document, describe how the group governs its affairs, determines its membership, and records its elections. The discussion under §54.7(c) indicates the kinds of questions which should be answered.

- 54.7(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity. Evidence acceptable to the Secretary of tribal membership for this purpose includes but is not limited to:

The petitioner must provide a current list of the group's members according to its own membership requirements.

A suggested form called "Membership Roll of petitioner's

name) as of (date)" is included in the "Sample Letter and Forms" section. In addition to the current list of members, the petitioning group must also send a copy of each available previous membership list.

The petitioner should prove that the group's current members are descended from an Indian group which existed historically or from groups which combined in the past and now act as a single independent group. Two forms have been designed to aid the petitioner in gathering the necessary descendancy information on members' families and ancestors. These forms are the "Individual History Chart" and the "Ancestry Chart." Both forms are important. For your convenience, blank copies suitable for reproduction appear in the section entitled "Sample Letter and Forms."

Individual History Chart

Active adult members of the tribe (18 years or older) are requested to provide individual information about themselves and members of their immediate family on the Individual History Chart. Unmarried children who appear on their parents' Individual History Chart need not complete a similar chart in their own behalf. Married children should complete a separate chart in their own behalf.

Ancestry Chart

The Ancestry Chart will show how a family descends from its ancestors. Only one Ancestry Chart need be prepared for the members of a family. Ask the individual who is most knowledgeable about the family's history to complete the chart. Detailed instructions are printed on the form. Individual History Charts which relate to one Ancestry Chart should be grouped together when submitted with the petition.

Descendancy must be proved using evidence acceptable to the Secretary of the Interior. The petitioner need not use all of the types of evidence listed in §54.7(e)(1)-(5). Such evidence includes, but is not limited to the following items:

- 54.7(e)(1) Descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes;

Descendancy rolls are prepared by the Secretary of the Interior to distribute money awarded to Indian tribes by the Court of Claims, the Indian Claims Commission, or under Congressional authority. Evidence of direct Indian ancestry is usually a requirement for enrollment on descendancy rolls. Therefore, individuals who are not members of recognized Indian tribes may meet the requirements for enrollment to share in

payments made as the result of such awards. In some cases lists of descendants were also prepared to distribute land allotment proceeds and for other purposes. Individuals who have received a payment as a descendant as the result of an Indian Claims Commission or other award may obtain personal information from these rolls about themselves or their immediate family from the Bureau of Indian Affairs.

- 54.7(e)(2) State, Federal, or other official records or evidence identifying present members or ancestors of present members as being an Indian descendant and a member of the petitioning group;

Also acceptable are records or evidence that identify present members or their ancestors as Indian and as members of the petitioning group. These may be Federal, state, or other official records.

Such evidence includes records of birth, death, marriage, divorce, estate settlements, court suits (especially equity cases), land and tax records, Federal, state, and territorial population and mortality census schedules, military service and benefit records, and records of the Bureau of Indian Affairs.

Records here may be found in the National Archives and its regional centers; state archives and libraries; local court-houses; and at the various area and agency offices of the Bureau of Indian Affairs.

- 54.7(e)(3) Church, school, and other similar enrollment records indicating the person as being a member of the petitioning entity;

A variety of church groups in different periods of history did social and religious work with Indians. Useful church records include those of ceremonies performed (marriages, baptisms and funerals), membership, and other church activities.

Records of public, private and religious schools may provide helpful information.

These records may be in state and local historical societies, in central church archives, in Bureau of Indian Affairs area and agency offices, or in the National Archives. Public school records will generally be found in the local community.

- 54.7(e)(4) Affidavits of recognition by tribal elders, leaders, or the tribal governing body, as being an Indian descendant of the tribe and a member of the petitioning entity;

Older affidavits will be more valuable in establishing Indian

ancestry than ones taken recently. Affidavits are the weakest method of establishing Indian ancestry and should be used only when nothing else is available. Affidavits are best used to support documentary evidence.

- 54.7(e)(5) Other records or evidence
identifying the person as
a member of the petitioning entity;

Other types of evidence include, but are not limited to, published family histories, family bibles, cemetery records, newspapers, and employment records; state, county, and local area histories; and unpublished manuscript collections.

Family histories and bibles may provide records of birth, marriage and death not found elsewhere. Some of these are personal records which are often privately held. Cemetery records may be deposited with local churches, libraries and historical societies, state agencies, and private cemetery associations. Some information may also be obtained from tombstones. Employment records, which are generally available only to relatives, are usually held by the employing company. Newspapers may be found in public libraries, historical societies, and the sales office of the newspaper. Unpublished manuscript collections, which are somewhat more difficult to locate, may contain valuable material.

- 54.7(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

The membership of the petitioning group must not be composed mainly of individuals who are members of federally-recognized tribes. Petitioners should assure themselves that their members are not affiliated with another tribe. Individuals should be urged not to give up their membership in federally-recognized tribes believing the unrecognized group may be acknowledged. If the group is not acknowledged, the individuals will be without tribal affiliation.

- 54.7(g) The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

The petitioning group should submit a statement that they have not been terminated by Congress and that their membership does not belong to terminated tribes.

SUGGESTED FORMAT FOR A PETITION

I. Introduction

Each petition should begin with an introduction which includes (1) A statement indicating that it is a petition for Federal acknowledgment; (2) the name and address of the group; (3) the name and telephone number of a member of the group who can act as its spokesman; and (4) any other person authorized to act on behalf of the group.

II. Historical Overview of the Group

A discussion of the history of the group from early times until the present should be submitted in as much detail as the petitioner feels is necessary.

III. Description of Current Group

The petition should include a description of the group as it exists today, its location and composition, and any other information the petitioner wishes to emphasize.

IV. Response to Criteria

The petitioner must make a thorough response to each of the criteria in Section 54.7(a)-(g) of the regulations. A separate discussion of each of the criteria will be found in the previous section.

V. List of Sources

The petitioner must show where he found his evidence.

VI. Important Documents and Other Exhibits

- These should be included in a separate section. When sending copies of documents, write where the original documents can be found on the front page of the copy.

GENERAL SUGGESTIONS FOR RESEARCH

For anyone doing research, a major problem is how to get started. You must decide what you want to do and how you are going to do it. As much as possible, research should be planned. This will save time and avoid having to do the work twice because something was missed. Careful planning will help to keep you from being swamped by the resources of major libraries and archives.

A good place to start is with a library. A librarian will be able to provide assistance on standard reference works, loans from other libraries, and other facilities.

The section entitled "Reference Books and Guides" includes lists of historical and anthropological societies, archives, libraries, and professional associations that may have individuals willing to help. Anthropology departments, Indian studies programs, and history departments of universities, colleges and high schools may have students and faculty who would also be willing to aid the group with the research. A sample letter to organizations and educational institutions has been included in the section called "Sample Letter and Forms." The letter can be adapted for the petitioner's own use. The petitioner should understand that some individuals and groups charge for their services. Also listed are directories of foundations to which the petitioner may wish to apply for financial aid.

The largest portion of the information for a petition may be gathered by documentary research in original written records and documents left by people who took part in events important to the history of the petitioning group. These are the cornerstones upon which a petition must be based. Books and articles about the petitioning group which have been based on these written documents are less valuable in supporting petitions than the original written documents themselves. However, such books may be used as a starting point for locating the original records and evidence.

There may also be written sources which the petitioner can use as evidence concerning its current organization. These may include scholarly articles or reports, newspaper or magazine articles, or studies made by Federal, state or local government agencies. If existing written materials do not provide

sufficient information, the petitioning group may want to make (or have made) a study of their group to provide the evidence required by the regulations. It is highly recommended that professional assistance be obtained for such a study.

In order to provide as much evidence as possible, the petitioner may find it both useful and necessary to gather information by talking with individuals knowledgeable about the group. Useful information may be gathered by interviewing members of the tribe and others such as government officials and missionaries who have knowledge of the group and its history. The most valuable interviews are generally with older individuals and those who were in important positions. Interviews should be carefully planned and recorded. To be most useful, interview questions should concern the history of the group's leadership, past locations and contacts with other portions of the same tribe, other Indian groups, and whites. Archival sources may contain documents which record interviews made in the past. These would be particularly valuable sources.

It is important that, wherever possible, information from interviews be supplemented and supported by written documents. The petitioner should not rely entirely on oral evidence. Information gathered from interviews can be a valuable means of locating useful documentary sources by suggesting where and when the group had contact with government officials, missionaries, schools, etc.

In conclusion, there are some rules of evidence petitioners should always remember. (1) It is always better to have more than one source of information to back up a critical point. (2) The reliability of sources should always be considered. (3) Always present the best evidence possible, and always tell where it came from.

LIST OF REFERENCE BOOKS AND GUIDES

I. Books and Articles

A. Anthropology

Guide to Departments of Anthropology, American Anthropological Association (includes major museums), 1978-79.

Abstracts in Anthropology, 1965-.

Curtis, E. C., The North American Indian, 1924-26.

Dockstader, P. J., The American Indian in Graduate Studies: A Bibliography of Theses and Dissertations, 1957.

Fenton, W., et al., American Indian and White Relations to 1839: Needs and Opportunities for Study, 1957.

Hodge, F. W., Handbook of American Indians North of Mexico, 1907-10.

Murdock, G. P., Ethnographic Bibliography of North America, (3rd or 4th editions), 1960 and 1972.

New York Public Library Reference Department, Dictionary Catalog of the History of the Americas Collection, 1961.

Nichols, F. S., Index to Schoolcraft's "Indian Tribes of the United States," 1954.

Peabody Museum of American Archaeology and Ethnology, Catalog of the Library of the Peabody Museum, 1963.

Schoolcraft, H. R., Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States, (see also Nichols), 1853 (reprinted).

Sturtevant, William, The Handbook of North American Indians, 1978-.

Swanton, J., The Indian Tribes of North America, 1953.

I. Books and Articles - (cont'd)

B. Genealogy

The American Society of Genealogists, Genealogical Research: Methods and Sources, 2 vols., 1960 and 1971.

Board for Certification of Genealogists,
"Roster of Persons Certified," 1307 New Hampshire
Avenue, N. W., Washington, D. C. 20036

The Genealogical Helper, Vol. 32., No. 4, July-
August 1978. UT: Everton Publishers, Inc.
(P. O. Box 368, Logan, UT 84321)

"1978 Directory of Genealogical Societies,
Libraries, Periodicals and Professionals"

"Genealogy and the Public Library"

"How to Use Your Public Library"

Bowker, American Library Directory, annual.

Colket, Meredith B., Jr. and Frank E. Bridgers,
Guide to Genealogical Research in the National
Archives, 1964.

Doane, Gilbert H., Searching for Your Ancestors:
The How and Why of Genealogy, 1974.

Everton, George B., Sr., The Handy Book for
Genealogists, 1971.

Filby, P. William, American & British Genealogy
and Heraldry: A Selected List of Books, 1975.

Greenwood, Val D., The Researcher's Guide to
American Genealogy, 1973.

Gregory, Winifred, American Newspapers 1821-1936:
A Union List of Files Available in the United
States and Canada, 1937.

Kirkham, E. Kay, A Survey of American Church
Records, 2 Vols., 1960 and 1971; revised 1978.

I. Books and Articles - (cont'd)

B. Genealogy

Meyer, Mary Keysor, Directory of Genealogical Societies in the U.S.A. and Canada, with an appended list of Independent Genealogical Periodicals, 1978.

Milner, Anita Cheek, Newspaper Indexes: A Location and Subject Guide for Researchers, 1977.

Schreiner-Yantis, Netti, Genealogical & Local History Books in Print, 2 Vols., 1975.

Stevenson, Noel C., Search & Research, 1977.

"Where to Write for Birth and Death Records" (PHS)78-1142

"Where to Write for Marriage Records" (PHS)78-1144

"Where to Write for Divorce Records" (PHS)78-1145
(Superintendent of Documents, U.S. Government Printing Office, Washington, D. C. 20402)

Williams, Ethel W., Know Your Ancestors: A Guide to Genealogical Research, 1960.

C. History

Directory of Historical Societies and Agencies in the United States and Canada. Available from American Association of State and Local History, 1975 edition.

Dissertation Abstracts: Abstracts of Dissertations and Monographs in Microfilm, 1961 to date.

Gray, Wood, and others, Historian's Handbook, 1964.

Hamer, Philip, M., A Guide to Archives and Manuscripts in the United States, 1961.

Library of Congress, A Catalog of Books Represented by Library of Congress Printed Cards Issued from August, 1898 to July 31, 1942, 1943.

I. Books and Articles - (Cont'd)

C. History

Library of Congress, The Library of Congress Catalog: Books: Subject, 1955 and 1960, with quarterly supplements.

Library of Congress, National Union Catalog of Manuscript Collections, 1959-1961, and supplements.

Library of Congress, National Union Catalog: A Cumulative Author List, 1947 and supplements.

National Archives, Guide to the National Archives of the United States, 1974.

The New York Times Index, 1913 to present.

Reader's Guide to Periodical Literature, 1900 to present.

Schlesinger, Arthur M. and others, The Harvard Guide to American History, 1954 and 1973.

D. General

Bush, Alfred, Guide to American Indian Periodicals in the Princeton University Library, 1975.

Freeman, J. F. and Murphy D. Smith, A Guide to Manuscripts Relating to the American Indian in the Library of the American Philosophical Society, 1966.

Jennings, F., gen. ed., The Newberry Library Center for the History of the American Indian Bibliographical Series, (separate selective bibliographies by region, tribe and subject), 1977-.

Kappler, Charles J., Indian Affairs, Laws and Treaties, 1903-38 (reprinted in 1972 as Indian Treaties).

Klein, B. and Daniel Icolari, eds., Reference Encyclopedia of the American Indian, 1967.

I. Books and Articles - (Cont'd)

D. General

Ronda, J. P. and J. Axtell, Indian Missions
(bibliography), 1978.

Sutton, Imre, Indian Land Tenure: Bibliographical
Essays and a Guide to the Literature, 1972.

E. Sources of Support

Annual Register of Grant Support, (published yearly).

The Foundation Directory, (current edition).

Handbook for American Indians: a listing of federal
and non-federal agencies offering services to
American Indians. Available from the Bureau of
Indian Affairs, Washington, D. C.

II. Historical and Anthropological Societies

A. National

American Anthropological Association
1703 New Hampshire Avenue, N.W.
Washington, D. C. 20009

American Association for State and Local History
1400 8th Avenue South
Nashville, Tennessee 37219

American Historical Association
400 A Street, S. E.
Washington, D. C. 20016

American Indian Historical Society
1451 Masonic Avenue
San Francisco, California 94117

American Society for Ethnohistory
Arizona State Museum
University of Arizona
Tucson, Arizona 85721

Organization of American Historians
112 North Bryan Street
Bloomington, Indiana 47401

B. Regional

Central States Anthropological Association

Northeastern Anthropological Association

Northwestern Anthropological Association

Southern Anthropological Association

Southwestern Anthropological Association

Each of the above regional associations can be reached:

c/o American Anthropological Association
1703 New Hampshire Avenue, N.W.
Washington, D. C. 20009

II. Historical and Anthropological Societies - (cont'd)

Alabama	Alabama Historical Association 3121 Carlisle Road Birmingham, Alabama 35213
Alaska	Alaska Historical Society 635 Alder Street Juneau, Alaska 99801
Arizona	Arizona Historical Society 949 E. 2nd Street Tucson, Arizona 85719
Arkansas	Arkansas Historical Association History Department University of Arkansas Fayetteville, Arkansas 72701
California	California Historical Society 2090 Jackson Street San Francisco, California 94109
Colorado	State Historical Society of Colorado 200 14th Avenue Denver, Colorado 80203
Connecticut	Connecticut Historical Society 1 Elizabeth Street Hartford, Connecticut 06105
Delaware	Historical Society of Delaware 505 Market Street Wilmington, Delaware 19801
Florida	Florida Historical Society University of South Florida Library Tampa, Florida 33620
Georgia	Georgia Historical Society 501 Whitaker Street Savannah, Georgia 31401
Idaho	Idaho State Historical Society 610 North Julia Davis Drive Boise, Idaho 83706

II. Historical and Anthropological Societies - (cont'd)

Illinois	Illinois State Historical Society Old State Capitol Springfield, Illinois 62706
Indiana	Indiana Historical Society 140 N. Senate Avenue Indianapolis, Indiana 46204
Iowa	State Historical Society of Iowa 402 Iowa Avenue Iowa City, Iowa 52240
Kansas	Kansas State Historical Society Memorial Building 120 West 10th Topeka, Kansas 66612
Kentucky	Kentucky Historical Society 200-202 Broadway Frankfort, Kentucky 40601
Louisiana	Louisiana Historical Society 509 Cotton Exchange Building 231 Carondelet New Orleans, Louisiana 70130
Maine	Maine Historical Society 485 Congress Street Portland, Maine 04111
Maryland	Maryland Historical Society 201 W. Monument Street Baltimore, Maryland 21201
Massachusetts	Massachusetts Historical Society 1154 Boylston Street Boston, Massachusetts 02215
Michigan	Historical Society of Michigan 2117 Washtenaw Avenue Ann Arbor, Michigan 48104
Minnesota	Minnesota Historical Society 690 Cedar Street St. Paul, Minnesota 55101

II. Historical and Anthropological Societies - (cont'd)

Mississippi	Mississippi Historical Society Post Office Box 571 Jackson, Mississippi 39205
Missouri	State Historical Society of Missouri Hitt and Lowry Streets Columbia, Missouri 65201
Montana	Montana Historical Society 225 N. Roberts Helena, Montana 59601
Nebraska	Nebraska State Historical Society 1500 R. Street Lincoln, Nebraska 68508
Nevada	Nevada State Historical Society 1650 N. Virginia Street Reno, Nevada 89503
New Hampshire	New Hampshire Historical Society 30 Park Street Concord, New Hampshire 03301
New Jersey	New Jersey Historical Society 230 Broadway Newark, New Jersey 07104
New Mexico	Historical Society of New Mexico 1201 Madeira S. E., Apt. 193 Albuquerque, New Mexico 87108
New York	New York State Historical Association Lake Road Cooperstown, New York 13326
North Carolina	North Carolina Literary and Historical Association, Inc. 109 East Jones Street Raleigh, North Carolina 27611
North Dakota	State Historical Society of North Dakota Liberty Memorial Building Bismarck, North Dakota 58501

II. Historical and Anthropological Societies - (cont'd)

Ohio	Ohio Historical Society 1-71 and 17th Avenue Columbus, Ohio 43211
Oklahoma	Oklahoma Historical Society 2100 N. Lincoln Boulevard Oklahoma City, Oklahoma 73105
Oregon	Oregon Historical Society 1230 S. W. Park Avenue Portland, Oregon 97205
Pennsylvania	Historical Society of Pennsylvania 1300 Locust Street Philadelphia, Pennsylvania 19107
Rhode Island	Rhode Island Historical Society 52 Power Street Providence, Rhode Island 02906
South Carolina	South Carolina Historical Society 100 Meeting Street, Fireproof Building Charleston, South Carolina 29401
South Dakota	South Dakota State Historical Society Soldiers' and Sailors' Memorial Building East Capitol Avenue Pierre, South Dakota 57501
Tennessee	Tennessee Historical Society 403 7th Avenue, North Nashville, Tennessee 37219
Texas	Texas State Historical Association Sid Richardson Hall 2/306 University Station Austin, Texas 78712
Utah	Utah State Historical Society 603 East South Temple Salt Lake City, Utah 84102
Vermont	Vermont Historical Society State Street Montpelier, Vermont 05602

II. Historical and Anthropological Societies - (cont'd)

Virginia	Virginia Historical Society 428 North Boulevard Richmond, Virginia 23220
Washington	Washington State Historical Society 315 North Stadium Way Tacoma, Washington 98403
West Virginia	West Virginia Historical Society 400 East Wing, State Capitol Charleston, West Virginia 25305
Wisconsin	State Historical Society of Wisconsin 816 State Street Madison, Wisconsin 53706
Wyoming	Wyoming State Archives and History Department Barrett Building Cheyenne, Wyoming 82002

III. Libraries and Record Centers

The Library of Congress
Washington, D. C. 20540

The National Archives
Central Reference Service
Washington, D. C. 20408

The Genealogical Society of the Church
of Jesus Christ of Latter-Day Saints
50 East North Temple
Salt Lake City, Utah 84150

The National Anthropological Archives
Department of Anthropology
National Museum of Natural History
Smithsonian Institution
Washington, D. C. 20560

Yale Collection of Western Americans
Yale University Library
New Haven, Connecticut 06520

The Newberry Library Center for the History
of the American Indian
60 West Walton Street
Chicago, Illinois 60610

Bancroft Library
University of California at Berkeley
Berkeley, California 94720

New York City Public Library
New York, New York 10022

The Peabody Museum
Harvard University
11 Divinity Avenue
Cambridge, Massachusetts 02138

IV. State Archives

Alabama	Alabama Department of Archives & History 624 Washington Avenue Montgomery, Alabama 36104
Alaska	Archives and Records Management Division of General Services Department of Administration Pouch C Juneau, Alaska 99811
Arizona	Department of Administration Division of Library, Archives and Public Records 1700 West Washington Phoenix, Arizona 85007
Arkansas	Arkansas History Commission 300 West Markham Street Little Rock, Arkansas 72201
California	California State Archives Office of the Secretary of State 1020 O. Street Sacramento, California 95814
Colorado	Division of Archives and Public Records Department of Administration 1530 Sherman Street Denver, Colorado 80203
Connecticut	Archives, History and Genealogy Unit Connecticut State Library 231 Capitol Avenue Hartford, Connecticut 06115
Delaware	Division of Historical and Cultural Affairs Hall of Records Dover, Delaware 19901
Florida	Bureau of Archives and Records Management Division of Archives, History and Records Management Department of State The Capitol Tallahassee, Florida 32304

IV. State Archives - (cont'd)

Georgia	Department of Archives and History Secretary of State 330 Capitol Avenue Atlanta, Georgia 30334
Idaho	Idaho State Historical Society 610 North Julia Davis Drive Boise, Idaho 83706
Illinois	Illinois State Archives Division Office of the Secretary of State Archives Building Springfield, Illinois 62706
Indiana	Archives Division Indiana State Library 140 North Senate Avenue Indianapolis, Indiana 46204
Iowa	State Historical Department Historical Museum and Archives Division Historical Building East 12th and Grand Avenue Des Moines, Iowa 50319
Kansas	Archives Division Kansas State Historical Society Memorial Building 120 West 10th Street Topeka, Kansas 66612
Kentucky	Division of Archives and Records Department of Library and Archives 851 East Main Street Frankfort, Kentucky 40601
Louisiana	State Archives and Records Service Office of the Secretary of State P. O. Box 44422 Capitol Station Baton Rouge, Louisiana 70804
Maine	Maine State Archives Library, Museum, Archives Building Augusta, Maine 04330

IV. State Archives - (cont'd)

Maryland	Hall of Records Commission P. O. Box 828 St. John's Street and College Avenue Annapolis, Maryland 21404
Massachusetts	Archives of the Commonwealth Office of the Secretary State House Boston, Massachusetts 02133
Michigan	State Archives Michigan Historical Division Department of State State Archives Library 3405 North Logan Street Lansing, Michigan 48918
Minnesota	Minnesota Historical Society State Archives 117 University Avenue St. Paul, Minnesota 55155
Mississippi	Archives and Library Division Mississippi Department of Archives and History Archives and History Building 100 South State Street P. O. Box 571 Jackson, Mississippi 39205
Missouri	Records Management & Archives Service Office of the Secretary of State P. O. Box 778 1001 Industrial Drive Jefferson City, Missouri 65101
Montana	Montana Historical Society 225 North Roberts Street Helena, Montana 59601
Nebraska	State Archives Division State Historical Society 1500 R. Street Lincoln, Nebraska 68508

IV. State Archives - (cont'd)

Nevada	Division of State, County, and Municipal Archives Secretary of State Capitol Building Carson City, Nevada 89701
New Hampshire	New Hampshire Division of Records Management and Archives 71 South Fruit Street Concord, New Hampshire 03301
New Jersey	Archives and History Bureau New Jersey State Library 185 West State Street Trenton, New Jersey 08625
New Mexico	New Mexico Records Center and Archives 404 Montezuma Street Santa Fe, New Mexico 87501
New York	New York State Library and Education Building Manuscripts and History Section Albany, New York 12225
North Carolina	Archives and Records Section Department of Archives and History 109 East Jones Street Raleigh, North Carolina 27611
North Dakota	State Historical Society of North Dakota Liberty Memorial Building Bismarck, North Dakota 58501
Ohio	Archives and Library Ohio Historical Society 1-71 and 17th Avenue Columbus, Ohio 43211
Oklahoma	Division of Archives and Records Oklahoma Department of L 200 N. E. 18th Street Oklahoma City, Oklahoma 73105

IV. State Archives - (cont'd)

Oregon	Archives Division Secretary of State 1005 Broadway N. E. Salem, Oregon 97310
Pennsylvania	Pennsylvania Historical and Museum Commission Post Office Box 1026 Harrisburg, Pennsylvania 17120
Rhode Island	Archives Division Office of the Secretary of State Room 314, State House Providence, Rhode Island 02903
South Carolina	South Carolina Department of Archives and History Post Office Box 11, 188 1430 Senate Street Columbia, South Carolina 29211
South Dakota	Archives Resource Center Records Management Building East Highway Bypass Pierre, South Dakota 57501
Tennessee	Tennessee State Library & Archives 403 7th Avenue North Nashville, Tennessee 37219
Texas	Archives Division Texas State Library Box 12927, Capitol Station Austin, Texas 78711
Utah	State Archives & Records Services Department of Finance Room B-4, State Capitol Building Salt Lake City, Utah 84114

IV. State Archives - (cont'd)

Vermont	Public Records Division Agency of Administration State Administration Building 133 State Street Montpelier, Vermont 05602
Virginia	Archives Division Virginia State Library 12th and Capitol Streets Richmond, Virginia 23219
Washington	Division of Archives & Records Management Department of General Administration Washington State Archives & Records Center Building 12th and Washington Streets Olympia, Washington 98501
West Virginia	Department of Archives and History 400 East State Capitol Charleston, West Virginia 25305
Wisconsin	Division of Archives & Manuscripts State Historical Society of Wisconsin 816 State Street Madison, Wisconsin 53706
Wyoming	Archives and Historical Department Archives, Records Management and Centralized Microfilm Division State Office Building Cheyenne, Wyoming 82002

Sample Letter requesting Professional Assistance

Dear Sir:

I represent a group of Indian descendants which would like to present a petition to the Department of the Interior to secure Federal acknowledgment that our group exists as an American Indian tribe. The petition requires considerable anthropological and historical research. We must prove, among other things, that we have maintained a substantially continuous existence as a group since historical times and that others have also identified us as American Indian or aboriginal.

We feel that our request would have a better chance of success if we had professional assistance. We would greatly appreciate help from members of your faculty or graduate student body. If any of them are interested, please ask them to contact me for further information.

The (name of group) thank you for your help in this matter.

Sincerely,

(name)
(title)

INDIVIDUAL HISTORY CHART

(To be completed by each adult member of the group)

MEMBER'S NAME: _____

NAME OF MEMBER'S WIFE/WEDDING: (If wife, give name before marriage) _____

NAME OF MEMBER'S CHILDREN: (Indicate whether child is male or female)

1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____

NAME OF MEMBER'S FATHER: _____

NAME OF MEMBER'S MOTHER: (Give name before marriage) _____

NAME OF MEMBER'S BROTHERS:

1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____

NAME OF MEMBER'S FATHER: _____

NAME OF MEMBER'S MOTHER: (Give name before marriage) _____

NAME OF MEMBER'S BROTHERS:

1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____

NAME OF MEMBER'S SISTERS:

1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____

(This reproduction will be sent to the S A K E L E T E R)

(Name of person preparing this chart. If not a member of the group)

(Date prepared)

Person preparing chart

Name _____

Address _____

Telephone (A.C.) _____

ANCESTRY CHART

Form No. 1 on this chart is the same
form as Form No. 1 on chart No. 1

Chart No. _____

KEY TO ABBREVIATIONS:

- b. Date of Birth
p.b. Place of Birth
m. Date of Marriage
p.m. Place of Marriage
d. Date of Death
p.d. Place of Death
Write dates as month, day,
year (Oct 3, 1870)
Write places as city or
town, country, state
(Chicago, Ill.; Illinois)

USE NO LEE THIS FORM. Begin by entering the information about yourself at No. 1, your father at No. 2, his father at No. 3, and so on. If you need to trace your ancestry further back than this form allows, simply enter the name of your relative under the appropriate number in the column numbered 1 through 15 on another chart and continue. **REPRODUCTION WILL BE FULL SIZE.**

1. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

2. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

3. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

4. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

5. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

6. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

7. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

8. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

9. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

10. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

11. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

12. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

13. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

14. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

15. b. _____
p.b. _____
m. _____
p.m. _____
d. _____
p.d. _____

(Final reproduction will be full size)

SAMPLE

Alphabetization of Groups

AUG 22 1978

Aboriginal Swinomish
Post Office Box 111
Friday Harbor, Washington 98250

Antelope Valley Indian Community
Post Office Box 35
Coleville, California 96107

Cherokee Indians of Georgia, Inc.
1516 14th Avenue
Columbus, Georgia 31901

Chickahominy Indian Tribe, Inc.
RFD 1, Box 226
Providence Forge, Virginia 23140

Chinook Indian Tribe, Inc.
Post Office Box 372
Ilwaco, Washington 98624

Choctaw-Apache Indian
Ebarb, Louisiana

Choctaw of LaSalle, Rapides, &
St. Tammany Parrishes
Route # 1 Box 37
Mora, Louisiana 71455

Choinumni Tribe
2787 N. Piedra Road
Sanger, California 93657

Clifton-Choctaw Reservation, Inc.
Route 1 Box 51-A
Mora, Louisiana 71455

Coos Tribe of Indians
Box 3506
Coos Bay, Oregon 97420

Cowlitz Tribal Council
2815 Dale Lane East
Tacoma, Washington 98424

Creek Indian Confederacy
Route # 7 Box 663
Pensacola, Florida 32506

Creek Nation East of the Mississippi
 (Poarch Creek)
 Route 3 Box 287
 Atmore, Alabama 36502

Creeks East of the Mississippi
 Post Office Box 123
 Molino, Florida 32577

Deleware-Munsee
 Box 274
 Pomona, Kansas 66076

The Duwamish Indian Tribe
 15614 First Avenue South
 Burien, Washington 98148

Eastern Pequot Indians of Connecticut
 RFD # 7 Box 941
 Ledyard, Connecticut 06339

Etowah Cherokee
 1276 North Avenue N. E.
 Alanta, Georgia 30307

Four Hole Indian Organization
 (Edisto)
 Route #3 Box 42 F
 Ridgeville, South Carolina 29472

Gay Head Wampanoag
 State Road
 Gay Head RFD
 Chilmark, Massachusetts 02535

Grand Traverse Band of Ottawa-Chippewas
 Michigan Indian Legal Services
 3041 N. Garfield Road
 Traverse City, Michigan 49684

Hassanamisco
 Hassanamisco Reservation
 Grafton, Massachusetts 01519

Hatteras Tuscarora
 14 Council Road
 Maxton, North Carolina 29363

Houma Alliance
 ‡ Governor
 State of Louisiana
 Baton Rouge, Louisiana 70804

Huron Poawatomi Band
 Route # 1
 Fulton, Michigan 48505

Ione Band
 ‡ Sacramento Area Director
 Bureau of Indian Affairs
 Post Office Box 15740
 1800 Tribute Road
 Sacramento, California 95813

Jamestown Clallam
 Jamestown Tribal Council
 Route # 2
 Sequim, Washington 98382

Jena Band of Louisiana Choctaw
 Post Office Box 745
 Jena, Louisiana 71342

Kikiallus
 Route # 1 B
 Mount Vernon, Washington 98273

Lac Vieux Desert
 Post Office Box 118
 Watersmeet, Michigan 49969

Little Shell Band of North Dakota
 Ms. Mary A. Wilson
 Dunseith, North Dakota 58329

Little Shell Tribe of Chippewa
 Indians of Montana
 Star Route
 Post Office Box 21
 Dodson, Montana 59524

Lower Band of Chinooks
 Mr. Kent Elliott
 Skamokawa, Washington 98647

Lower Muskogee Creek
 Post Office Box 4540
 Whitesburg, Georgia 30185

Mattaponi
Box 178
West Point, Virginia 23181

Mashpee Wampanoag
Route # 130
Mashpee, Massachusetts 02649

Mitchell Band of Indians
187 Spring Street West
Friday Harbor, Washington 98250

Mohegan Indian Group
& Jerome M. Griner
Attorney and Counsellor at Law
47 North Main street
West Hartford, Connecticut 06107

Mono Lake Indian Community
Post Office Box 131
Lee Vining, California 93541

Muncie-Deleware
Box 274
Pomona Kansas 66076

Muskogee Creek Indian Nation
East of the Mississippi
Post Office Box 817
Perry, Florida 32347

Narragansett
RFD 2
Kenyon, Rhode Island 02836

Noo-Wha-Ha
1120 Huff Road
Burlington, Washington 98233

Northern Michigan Ottawa
911 Franklin
Petoskey, Michigan 49770

Northwest Florida Creek Indian Council
Post Office Box 462
Pensacola, Florida 32592

Pamunkey
Techuseh Deer Foot Cook
King William, Virginia 23083

Pascua Yaqui
825 W. Calle Ventura
Tucson, Arizona 85705

Paugusset Nation
427 Shelton Road
Trumbull, Connecticut 06611

Piscataway
General Delivery--Box 946
Waldorf, Maryland 20601

Plumas County Indians, Inc.
Post Office Box 833
206 Main Street
Greenville, California 95947

Poosepatuck (Unkechaug) Tribe
Mastic, L. I., New York 11950

Principal Creek Indian Nation
East of the Mississippi
Post Office Box 201
Florala, Alabama 36442

Rappahannock
(The Powhatan Confederation)
Indian Neck, Virginia 23077

Samish Tribe of Indians
§Superintendent
Western Washington Agency
3006 Colby Street, Federal Bldg.
Everett, Washington 98201

San Juan de Guadalupe Tiwa
1120 South Locust Street
Las Cruces, New Mexico 88001

Schaghticoke Tribe of Indians
Old South Drive
Litchfield, Connecticut 06759

Shawnee Nation United Remnant Band
Post Office Box 609
Xenia, Ohio 45385

Shinnecock
Post Office Box 1286
Southampton, New York 11968

Snohomish Tribe of Indians
5101 27th Avenue West
Everett, Washington 98203

Snoqualmie
20204 117th S.E.
Kent, Washington 98031

Southeastern Cherokee Confederacy
Route 1 Box 111
Leesburg, Georgia 31763

Steilacoom Tribe
2212 A. Street
Tacoma, Washington 98402

Stillaguamish Tribe of Indians
Post Office Box 552
Bellingham, Washington 98225

Swan Creek and Black River Chippewas
Box 197
Dixon, Montana 59831

Tcinoock Indians
5621 Altamont Drive
Klamuth Falls, Oregon 97601

Tigua Ysleta del Sur
Post Office Box 17579
Ysleta Station
El Paso, Texas 79917

Tsimshian Tribal Council
1067 Woodland Avenue
Ketchikan, Alaska 99901

Traditional Kickapoo Indians of Eagle Pass
Mr. Walter W. Broemer
% Texas Indian Commission
1011 Alston
Livingston, Texas 88351

Tunica-Biloxi Indian Community
of Louisiana
% Governor of Louisiana
Post Office Box 44253
Baton Rouge, Louisiana 70604

Tuscaroras of Eastern North Carolina
Route 3 Box 67 A
Maxton, North Carolina 28364

Tuscola United Cherokee Tribe of Florida, Inc.
Post Office Box S
Geneva, Florida 32732

United Lumbee Nation of North Carolina
Post Office Box 225
Richmond, Virginia 23202

Waccamaw Siouan Development Association
Route 1, Box 109
Bolton, North Carolina 28423

Warroad Chippewa
Box 336
Warroad, Minnesota 56763

STATEMENT OF
THE NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION
TO THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
ON
H.R. 12996
AUGUST 10, 1978

Submitted on Behalf of the
National Tribal Chairmen's
Association
Patricia Locke, Director
NTCA Education Components

The National Tribal Chairmen's Association appreciates the opportunity to present testimony on H.R. 12996, a bill to establish an administrative procedure and guidelines to be followed by the Department of the Interior in its decision to acknowledge the existence of certain Indian tribes.

The National Tribal Chairmen's Association (NTCA) is an association of the elected chairmen, presidents, governors and chiefs of the federally recognized Indian tribes of the United States including the Alaska Native organizations. Membership in the NTCA includes the elected leaders of approximately 190 tribes from all parts of the country and most of the major reservations.

NTCA was formed in 1971 by the elected leaders to represent the federally recognized tribes at the national level in working to secure and protect the rights of the tribes.

The NTCA is deeply concerned about the inadequacy of the criteria and definitional factors to be relied upon by the Secretary of the Interior in determining whether a group is an Indian tribe for the purposes of the bill under consideration Sec. 5.

NTCA considers the criteria/definitional factors suggested to exasperatingly vague and confusing. For instance, the term "federal authorities" in Sec 5 (a) (1) (A) could mean any federal official from any federal office or department; "repeated dealings with a county, parish or other local government" Sec. 5 (a) (1) (C) is vague as to the meaning of "dealings"; "identification as Indian by records in schools" Sec. 5 (a) (1) (D) could mean that any individual being provided services under Part A of Title IV the Indian Education Act and who self-identifies as an Indian is eligible to be federally recognized; the terminology that a "scholar" may recognize an individual as an Indian is also vague.

Other definitional factors suggested are vague and can be misconstrued such as "identification as Indian in newspapers and books."

The definitional factors that mention an identified Indian language and that describe treaty relations are valid in the opinion of NTCA.

It has been the practice of the NTCA to support those bona fide tribes such as the Menominee and the Siletz when they have sought recognition by the federal government. Such tribes have been able to present clear and unassailable evidence of cultural and linguistic descriptors.

NTCA is aware that any culture in the world is generally recognized as a bona fide culture by specific descriptors and determinants. The Maori of New Zealand for instance can be recognized as a valid cultural group by determinants that are universally accepted. Among these are: a language, a system of governance, defined social structures, a belief system/religious body of knowledge, ceremonies, an oral history, the arts, dance, music, poetry, material culture, etc.. Such determinants evolve and change over time being influenced by external influences such as missionary influence and conquering governmental mandates.

Today in the United States such tribes as the Lakota, the Navajo, the Piate, the Yakima and scores of others can be identified by all of the above cultural determinants in addition to possessing treaties with the United States Government. Other tribes that are federally recognized sometimes do not any longer possess all determinants of culture because they have been so ravaged over time by external forces ... yet the majority of such tribes retain identifiable vestiges of cultural descriptors. It is well known that many Indian languages are dead and that sometimes only a few speakers remain. It is also well known that the belief systems/religions of many tribes have been wiped out by overzealous proselytizers. Yet those tribes that have lost such important parts of their tribal cultures, still retain the other cultural determinants and maintain an existence as a viable cultural entity.

Our point is that a real tribe does not have to rely upon such criteria as a newspaper, a book or a scholar to validate that tribe.

NTCA at this time cannot speak to exactly what an established set of procedures for determining questions of recognition should be. We realize that the Department of the Interior on June 16, 1977 published in the Federal Register procedures governing determination that an Indian group is a federally recognized Indian tribe. The ten criteria published in paragraphs under 54.7 are more comprehensive than those suggested in H.R. 12996.

While our organization is particularly concerned about the loss of federal recognition of such terminated tribes as the Klamath of Oregon, we believe that any criteria to procedurally recognize Indian groups as Indian tribes must be both strict and comprehensive as to specific determinants. Since the enactment of Title IV the Indian Education Act there has been a dangerous broadening of the definition of Indians so that persons of up to 1/124 degree of Indian blood have self-identified as Indian and have received services from the Office of Indian Education, D.H.E.W. Such abuses are unconsionable. Tribes that are members of the NTCA have cited literally hundreds of such abuses from all parts of the country and have requested that language in P.L. 92-318 that defines Indian for purposes of eligibility be amended so that bona fide Indian children and their tribes will be protected.

NTCA must respectfully advise this committee that because the criteria and definitional factors contained in H.R. 12996 are inadequate, it cannot support the proposed legislation. We offer our assistance in the development of future legislation regarding Indian tribes. We further suggest that the Congress may lack the administrative flexibility to deal factually with the large numbers of requests for recognition made by various groups throughout the country.



Coos, Lower Umpqua, Siuslaw Indian Tribes, Inc.

P. O. Box 3506 Coos Bay, Oregon 97420

Chief: Edgar Bowen
Chairman: Russell Anderson
Vice-Chairman: Bill Brainerd



HOUSE SUBCOMMITTEE ON INDIAN AFFAIRS AND PUBLIC LANDS
HOUSE ANNEX 1, RM. 421
WASHINGTON, D.C. 20515

Committee Members:

Our appreciation is given to you for this opportunity to be heard concerning the Indian Recognition Bill, H.R. 12996.

The confederated tribes of the Coos, Lower Umpqua and Siuslaw of the southern coast of Oregon has strongly been in favor of recognition for many years. As with other non-recognized tribes across the country, we lack the financial ability to press a legal case for restoration on our own. H.R. 12996 may at last give all of us an opportunity to attain the status of a recognized tribe, which we feel is necessary for our survival as a people.

The proposed criteria for recognition is a sensible means of eligibility determination and these three tribes will be able to meet that criteria.

Recognition is important for many reasons. We are concerned with the education and health of our people, as well as the opportunity for economic development. Presently, as a non-recognized tribe, we cannot fulfill the socio-economic needs of our tribal² members. Should recognition become a reality, we could again function in the traditional manner in caring for our people.

These tribes have experienced a history not unlike many of the smaller tribes in the United States. From an unratified treaty in 1855 through the years to the disastrous Termination Act of the 50's we have struggled to maintain as a tribal entity. We have petitioned, lectured and written of the injustice of non-recognition, but to no avail.

Perhaps the passage of H.R. 12996 will open the deaf ears and bring an awareness of the need for Indian people to function in their own sense alongside these tribes that are presently recognized. It can only bring unity and a search for advancement.

Again, we urge the consideration of H.R. 12996 in the hope that eligible tribes may gain recognition in the future.

Respectfully submitted,

Edgar Bowen
Edgar Bowen, Chief

Coos, Lower Umpqua, Siuslaw Indian Tribes

EB/ems

To: Members of the House Sub-Committee on Indian Affairs and Public Land
 From: The Shinnecock Tribe, Long Island, New York
 Re: Indian Recognition Bill, H.R.12996

This is written testimony from the Shinnecock Tribe of Long Island, New York in support of H.R.12996, as introduced by Congressman Rose.

The issue of federal recognition is a prominent one, and one which will have a tremendous impact on many Indian people. Many Indian communities have existed and functioned as tribes concurrently with the growth of the United States and the States; yet, their existence has not been acknowledged by the agencies of the United States government responsible for Indian affairs. The lack of federal recognition has in some cases been by oversight and in others by deliberate action, which in either case has resulted in the failure of assertion of "trust-responsibility" and an unjustifiable division of Indian people. Thus, the term "Indian tribe" as used by federal authorities has had different meanings at different times, and may not include those tribes now known as non-federally recognized. This lack of uniformity has lead to confusion and uneven extension of services hindering opportunity for economic growth as well as cultural and political preservation. In addition, conflicts with the state governments over land, water, and hunting and fishing rights have persisted. These tribes have had to confront these issues without the resources of the federal government, which should flow when the "trust-responsibility" has been recognized.

The Indian Recognition Bill, H.R.12996 is one which will establish a uniform governmental procedure in an attempt to equitably resolve the issue of federal recognition. The procedural guidelines for properly addressing this issue have been ~~well delineated~~ in H.R.12996. The proper avenues of redress have been amply defined for any group whose claim has been rejected.

The Bill sets forth clearly for both the federal government and the petitioning group the kinds of evidence that must be considered. We urge that the evidence presented by the petitioning group be evaluated fairly, and that all evidence submitted be reviewed in its proper context. The historical profiles of the petitioning groups will resemble closely those of already recognized tribes with the exception of certain federal dealings. The failure of tribes to petition the Secretary of the Interior must not disrupt or diminish the present positive relationships many of these groups have established with other federal agencies; nor shall present recognition by the states be disrupted. No group shall be required to petition by any specified date, nor should pressure to petition be placed on the tribe. The petition of each tribe must be considered fully and fairly when received,

We hereby encourage the passage of H.R. 12996 because we believe it imposes on the Secretary of the Interior an obligation to acknowledge now, as Indian tribes, those people who have been denied the opportunity to participate in the federal Indian structure.

Respectfully Submitted,

Harry K. Williams - P. E. S.
 Tribal Trustees
 Harry K. Williams
 Charles K. Smith
 James Eleazer

Louisiana Band of Choctaw Indians, Inc.
P.O. Box 547
Baker, Louisiana 70714

Subcommittee on Indian Affairs and Public Lands
House Annex 1, Room 421
Washington, D.C.

Sirs:

We The La. Band of Choctaws deemed it necessary to be recognized by the State of La. in order we might enjoy certain rights and priveleges as an Indian group. This was made possible for us in the form of SCR 3 in the 1978 La. legislation. Signed into affect July 10, 1978.

Therefore we The La. Band of Choctaw Indians, are in full support of and ask for the passage of H.R. 12996 as introduced by Congressman Charlie Rose on behalf of the non-federally recognized Indian groups.

We are aware of several Indian groups, (including ourselves) who are not federally recognized. This creates some confusion regarding eligibility for government services. We wonder why we cannot get these services just because we do not live on a federal reservation.

Being non-federal recognized puts us at a disadvantage of receiving necessary funds and land uses that would allow us to accomplish self determination.

Federal recognition would allow us to receive funds (which we do not presently have) that would enable us to work toward our goals of self-suffiency.

I thank you for letting me talk to you through this letter. I only hope that we aren't talking into a deaf ear.

Sincerely

R. Blackhawk Murphy
R. Blackhawk Murphy charizan

from
Santeel Tribal Indian Development Inc.
Hudson Crommie President
Rt 1 Box 42
Talley Hill, S. C. 29059

Aug. 3, 1978

SubCommittee on Indian Affairs
and Public Lands,
House Annex 1, Rm. 421
Washington, D. C.

To Whom it May Concern,

We the Santeel Tribal Indian Development Inc.
is submitting our testimony that we are supporting
Charles Rose of the 7th District of North Carolina
Indian Recognition Bill H.R. 12996 One Hundred
Percent and would appreciate it very much
if you ^{would} bring it to the attention of everyone
when you hold the hearings at 9:45 A. M. on
Aug. 10, 1978,

Thanking you very much for all the
help you can get on this Bill.

Sincerely
Hudson Crommie
Hudson Crommie

THE NEW ENGLAND COASTAL SCHAGHTICOKE INDIAN
ASSOCIATION, INC.

P. O. BOX 551

AVON, MASSACHUSETTS 02322

August 3, 1978

The House Subcommittee on Indian Affairs
& Public Lands
House Annex 1, Rm 421
Washington, D. C., 20515

Origination
Chartered
Connecticut

Secretary's Address

142 Center St.
Randolph, Masa., 02368

Gentlemen:

I, am Princess Necia of the Schaghticoke Indian Tribe, ancestors originating on the Kent, Schaghticoke Indian reservation, Kent, Connecticut. Our Grandfather having been born and lived on the Kent reservation 1862. We are Schaghticoke living half in Massachusetts, and Half in Connecticut.

We have been trying for years to get recognition, even by the State of Connecticut. So, therefore this is why I am writing in support of the Indian recognition bill H. R. 12996.

Regretfully, I cannot appear in person, however, I am submitting written testimony as to why I deem it necessary that this bill be passed.

In 1968, I succeeded in bringing ancestors and descendants together on the Kent reservation, Kent, Connecticut for the first time in thirty years; the reservation lay dormant for all that time. The state of Connecticut at first recognized I and my family of sixty-seven members for three years, 1969, 70, 71, as Schaghticoke Indians; We having obtained granted permission for a pow Wow with restrictions. In 1972 they, the state decided, we did not have enough documentation, thereby denying permission to go on the reservation; even denied by that so-called Indian Affairs Council hearing. We continued to go each year, just the same, on the land where our Grandfather was born; until now, we have filed suit against the Indian Affairs Council for failure to recognize legal documentation and violation of our civil liberty, with the threat of arrest on going on the Kent Schaghticoke Indian reservation, branding we Schaghticoke as trespassers, when the reservation is inhabited daily by the public. Just recently, I was visiting on the reservation, May 20, 1978, visiting just for the day the Indian cemetery, and what happened, I received a letter from Mr. Theodore B. Bamton, Deputy Commissioner, Department of Environmental Protection, harrasing me and my family for trespassing on the reservation, and to refrain from doing so, or drastic steps would be taken to prevent acts of trespass on the reservation.

Our documentation, they crying fraud, they are incensed over the words, "Indian" and Schaghticoke on our birth records.

Our case is now in the Supreme Court, State of Connecticut, Case no. 9021.

This Connecticut Indian Affairs Council are denying Connecticut Indians and non-residing Connecticut Indians, their heretage, included are Chief Rolling Cloud, John Hamilton, a Mohican Indian, New London, Connecticut,

Wounded Wolf Bishop, Piquot Indian, Connecticut; pressure on a Piquot Indian Roy Sebastian, Piquot reservation, Ledyard, Connecticut., Suspicious, Mrs. Arline Brown, a Piquot Indian, her house was burned to the ground, at 2:00 AM in the morning, Mrs. Brown did not happen to be in the house at the time. This burning on the Piquot Indian reservation, Connecticut.

Who ever heard of an Indian Affairs Council with non-Indians presiding ? In our Schaghticoke Indian Council, all council members are Schaghticoke Indians- on all Indian councils, Indians and Indians only. Now- the Connecticut Indian Affairs Council have five non-Indians and less than five Indians. An Industrialist, a lawyer, a reporter, a catholic priest, and one other. So many times the Indians dont show up, hence decisions left to non-Indians.

This is a grave situation. I ask you, how can we possibly get off the ground for recognition, when we have an existing agency performing in this manner ? We will find out in the coming Supreme Court action.

Princess Necia, has spoken.

Hoping that the Tides of Justice
will wash ashore the truth,

Princess Necia Hopkins
Secretary



Antelope Valley Indian Community

P. O. BOX 35
COLEVILLE, CALIFORNIA 96107

Aug. 6, 1978

Subcommittee On Indian Affairs
And Public Land
House Annex 1 Rm. 421
Washington, D.C.

Mr. Charlie Rose,

Members, of Antelope Valley Indian Community. Support your
bill S2375 and HR12996. In hopes to improve our community.

We're an unrecognised Indian group. And have lost alot of
opportunity, for farther Education, trades in different
fields for better jobs, to support our family. Also, with-
out any land of our own.

We hope this bill will give our younger generation, alot
more opportunity for higher education & better Vocational
trades. Than we had. Cause, were Non-Reservation Indians.

An Hope the Bureau Of Indian Affairs, will take Non-Res-
ervation Indians under more consideration. So, we can im-
prove our lives also.

Hope, to hear from you concerning this bill.

Thank you,
Chairman,
Antelope Valley Indian
Community

Chief Neal McCormick
Tama State Indian Res.
Rt. 1 Cairo, Ga. 31728
August 7, 1978

The Honorable Charlie Rose
218 Cannon House Office Bldg.
Washington, D.C. 20515

Dear Senator Rose,

These comments are from Chief Neal McCormick, Principal Chief of the Lower Creek Muscogee Tribe and Vice-Chief John Wesley Thomley, P.O. Box 123 Molino, Florida. Chief McCormick's address is Tama State Indian Reservation, Cairo, Georgia.

The Biggest problem facing the Indians in the East is the fact they had no opportunity to come forth for so many years and laws in the various states do survive against the Indians. In Georgia these laws are still on the record. For example: Indians are not allowed to be listed as Indian; They cannot sit on Jury Duty; They cannot fish in certain rivers; And cannot come into the State without a permit. There was no way for these people to keep a record of their blood line. Most Indians just knew they were Indian and kept this among themselves.

In North Florida and South Georgia, the Creek people knew who they were, but could do nothing about it. The Government breached their Fidiciary Duty toward the Eastern Creeks and other Tribes in the East. And in doing so they are making it just as hard now to come up with all the necessary documents, as they were not allowed to do so for so many years, to prove they are Indian.

I do hope this Testimony will help you.

Sincerely,
Chief Neal McCormick
Vice Chief John Wesley Thomley
Chief Neal McCormick
Vice Chief John Wesley
Thomley

Signed by: Bk
CC: Bk



MATTAPONI INDIAN RESERVATION

BOX 178, West Point, Virginia, 23181

804 - 769 - 2194

August 8th, 1978

Please be advised :

I Curtis L. Custalow ,Sr. War-Horse of the Mattaponi in the state of Virginia,do support Bill No.H.R. 12996

Indians inhabiting the Western part of this country are afforded the protection and benefits of a trust relationship with the federal government.Eastern Indians,many of whom still inhabit the lands originally occupied by their ancestors before the coming of the white man,do not enjoy this relationship.The federal government ,in short denies their "Indian-ness."Some Eastern Indian tribes occupy state-created reservations,which are protected to varying degrees by the particular states,but most Indian tribes in the East have no territory reserved for their use.Hence ,the fact that they still identify as cohesive and distinct Indian tribes results exclusively from their own tenacity.Furthermore,many of the federal benefit programs for Indians have been arbitrarily and,we contend,illegally,circumscribed through administrative interpretation of the relevant statutes to be availableonly to those tribes whom the federal government deems its wards,i.e.,the Western reservation Indians. Eastern Indians can be beneficiaries of programs designed for the poor,but,because of a failure of communications and the well documented exclusion of the Eastern Indians from the delivery outlets for such federal programs to the poor,these benefits are effectively unavailable .Hence,the Eastern Indian tribes and communities are struggling for their very existence.



MATTAPONI INDIAN RESERVATION

BOX 178, West Point, Virginia, 23181

804 - 769 - 2194

They have been robbed of their identity by the federal government and, lacking wealth to trigger action, the Eastern Indians have languished unnoticed for hundreds of years.

It is my desire that the Non-Federally recognized Indians be afforded the opportunity to be recognized by the Federal Government for any and all services.

I support the Bill-H.R. 12996 to establish an administrative procedure and guide lines to be followed by the Department of the Interior in its decision to acknowledge the existence of certain Indian tribes who qualify as a member or descendent of any North American Indian Tribe, Group or Alaska Native Village.

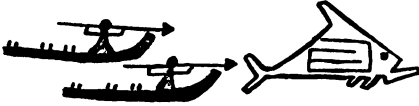
The Non-Federally recognized Indians want a reaffirmation of their identity and the acknowledgement of the Federal Government that they are accorded the same legal constitutional protection given other Federally recognized Indians in order to gain the benefits deserved.

It is therefore my urgent desire that Indian Recognition Bill No. 12996 be passed by the Congress of the United States and become a part of the law of the land.

CLC/gec

Respectfully yours,

Honorable Curtis L. Custalow War-Horse



TCHINOUK TRIBAL OFFICE
5621 ALTAMONT DR.
KLAMATH FALLS, OREGON 97601
(503) 884-3844
August 2, 1978

Honorable Charlie Rose
Sub-Committee on Indian Affairs and Public Lands
House Annex 1, Room 421 Washington D.C

Ref: letter July 28, 1978

Honorable Charlie Rose,

Concerning the Indian Recognition Bill: H.R. 12996

The Tchinouk Indians held together throughout the decades since Treaties were formally made in 1851. The natural family and friend-ship ties, bound them together. No one was exalted among them, and all shared in common the Bureau of Indian Affairs rules and regulations directed at them because of their status as Indians; but with no formal recognition to the tribe itself.

Being non-federally recognized has many social problems. In my own life-time being shunned started at a early school-age and continued through high school and beyond. "Not being chosen" to represent or participate was and always will be the hardest hurt; and the snickering at the efforts to keep trying. Loving parents were our rock of refuge, but they also were subjected to displays of rejection by the Community at large.

Friend-ships were always temporary mostly because of our actual identity, as a particular Indian group. "What kind of Indian are you?" would be asked; but the answer was never listened to. The fact of my parents attending the BIA Schools and being employed by the Indian Agency gave us credibility, and some security that enabled us to face our peers.

The older generation were not pleased at promoting our friendships, nor were the Educators promoting our being included. We were treated as 'joke' people.

Marriages including 'outside' Indians were never acceptable to the home Indians. Children of the Unions are not fully acceptable to this now generation.

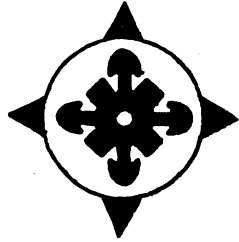
Credit ratings are not known to 'outsiders' but yet native people in this area. One inherits the burden of doubt along with the status of Indian.

Legal counsel and advice has been shadowed by our non-federally recognized status. The courts have been rude and openly remarked that we are a rejected people and so are not a reliable people; and as Indian people in this status have no respect of the courts.

There is not time available to write more because of the dead-line of the hearing. Thank you for your support, and please encourage your-selves to success on H.R.12996.

Sincerely

Harleen F. McKenzie



UNITED REMNANT BAND, TRIBAL MEMBER - COALITION OF EASTERN NATIVE AMERICANS, INC.

August 8, 1978

Subcommittee on Indian Affairs and
Public Lands
House Annex 1, Room 421
Washington, D.C. 20515

Dear Sirs,

We, the Council and people of the Shawnee Nation, United Remnant Band, have participated in and supported the work of the Senate Select Committee on Indian Affairs begun by the American Indian Policy Review Commission. H.R. 12996 is the most important product of the Commission and the Committee's efforts aided by the input of the heretofore unrecognized tribes. In keeping with our tribe's past contributions toward even-handed policies governing recognition of valid Indian groups as tribes, we must restate our position.

If the Bureau of Indian Affairs had ever done its job east of the Mississippi River, there wouldn't be Eastern tribes not recognized as such. If the Bureau of Indian Affairs had ever shown any concern or had ever shouldered any responsibility regarding Eastern Native Americans this entire effort, including H.R. 12996 would not be necessary. Therefore, we do most strongly disagree with their proposed involvement and participation in any determination of validity of petitioning groups or administering of those newly recognized tribes after the fact.

It is entirely ludicrous and of no value to us, the Shawnee Nation United Remnant Band, to be in any way recognized by a illegal and unconstitutional appointee administration organization. We do not recognize the validity of the Bureau of Indian Affairs or their right to continual existence.

We are also very skeptical of the ambiguous terminology of the Bill in its present form. I refer particularly to the definitional factors listed in Section Five of the Act. Such terms as "protracted period of time" have no definition. If all tribes that should have been included in the 1934 Indian Reorganization Act were, there would be no need for the present petitions or the Bill in question, so the use of the 1934 Act as a time criteria is viewed by us as an effort to incorporate into the new Bill the flaw to make possible the maintenance of the inadequate status quo.

TUKEMAS Principal Chief P.O. Box 609 - Xenia, Ohio 45385

He also resent the total lack of any reliance upon Native sources in the criteria to identify Native Tribes. Why must the Federal Government continuously depend upon their own institutions and authority to know a People foreign to them? Federal authorities, state governments, courthouses, churches, schools, anthropologists, historians, scholars, newspapers, books, and the Office of the Secretary are the only sources to be used, according to SEC.5, 1A-G. We strongly suggest the inclusion of tribal historians, tribal records, and tribal rolls, if indeed this is to be a bill to identify tribes.

It is a hypocrisy to insist upon a Tribal involvement in a treaty when dealing with tribes that are not at this time, nor have ever been, recognized by the Federal Government (the author of all treaties). It is a further hypocrisy to lean on the 1934 Indian Reorganization Act as a time factor for recognition and at the same time require involvement in a treaty, since there have been none since 1883.

Despite my objections to obvious shortcomings in the bill, we, the Shawnee Nation, United Remnant Band, do most heartily endorse the basic idea of H.R.12996 and will support in a rationally amended form. In short, it is not nearly enough, but it is far more than we now have. It is thus that we wish the passage of this bill into law.

Onen,

Tukemas/J.L. Pope

Tukemas/J.L. Pope
Principal Chief
Shawnee Nation,
United Remnant Band

THE TULALIP TRIBES G S WILLIAMS
6700 TOTEM BEACH RD
MARYSVILLE WA 98270



Mailgram



4-071726E221 08/09/78 ICS IPHMTZZ CSP WSHR
2066590257 MGM TDMT MARYSVILLE WA 100 08-09 0618P EST

CHAIRMAN TEND RONCALIO
SUBCOMMITTEE ON INDIAN AFFAIRS
AND PUBLIC LANDS
HOUSE OF REPRESENTATIVES
WASHINGTON DC 20515

DEAR CHAIRMAN RONCALIO,

OUR TRIBE OPPOSES HR12996 AND REQUESTS THAT OUR OPPORTUNITY TO SUBMIT
TESTIMONY FOR THE RECORD BE EXTENDED A FEW DAYS AFTER THE HEARING
SCHEDULED FOR AUGUST 10TH 1978. SINCERELY YOURS,

THE TULALIP TRIBES
GEORGE S WILLIAMS, CHAIRMAN

13:18 EST

MGYCUMP MGM



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



August 10, 1978

House Subcommittee on Indian Affairs
and Public Lands
House Annex 1 Rm. 421
Washington, D.C. 20515
Attn: Gunilla Foster

Dear Miss Foster,

The Connecticut Indian Affairs Council of the State of Connecticut would like to take this opportunity to declare the support of this council of HR12996.

The Connecticut Indian Affairs Council is an inter-tribal council, with Representatives from each of the five Connecticut tribes: Schaghticoke, Golden Hill Paugusset, Eastern Pequot, Mashentucket Western Pequot and Mohegan. These tribal representatives have declared their support of HR12996 and the intent to apply for federal recognition under such legislation.

Thank you for requesting our written and telephoned testimony in support of HR12996.

Sincerely,

Mikki Aganstata

Mikki Aganstata

MA/jc



Chief Big Eagle ~ The Winter Lodge ~ Golden Hill Reservation

Box 126
Trumbull, Conn. 06611.

Subcommittee on Indian Affairs and Public Lands
House Annex 1, Rm. 421
Washington, D.C. 20515

Dear Subcommittee:

I Chief Big Eagle (a.k.a. Aurelius Piper) traditional heredity Chief of the Golden Hill Tribe/Paugussett Nation, residing on the Golden Hill Reservation in Trumbull, Conn. Will be unable to attend meeting on 8/10/78. But am submitting written testimony on behalf of the Golden Hill Tribe/Paugussett Nation.

For the past 319 years we have been recognized as a tribe of Indians, we have 319 years of reservation life, from which we have been discriminated and excluded from being federally recognized Indians. The Golden Hill Tribe/Paugussett Nation were one of the first Indian tribes placed on an reservation in 1659. We are the oldest reservation and also the smallest (1/4 acre) reservation in the United States. We support the context of this Bill H.R. 12996. We believe this alone qualifies us to be federally recognized.

When you talk about aboriginal people, native americans or Indians whichever you wish to call us. You may check State of Connecticut Public Act # 73-660 Dept. of Environmental Protection of which at this time we are presently under. Sec. 47-59a. Connecticut Indians: citizenship, civil rights, land rights. It is hereby declared the policy of the state of Connecticut to recognize that all resident Indians of qualified Connecticut tribes are considered to be full citizens of the state and they are hereby granted all the rights and privileges afforded by law, that all of Connecticut's citizens enjoy. It is further recognized that said Indians have certain special rights to tribal lands as may have been granted to them in the past by treaty or other agreements.

(General statutes of Connecticut enclosed)



Chief Big Eagle ~ The Winter Lodge of Golden Hill Reservation

Up until 6/73 we were carried on the books as aliens and Indians. Golden Hill Tribe was not even considered citizens or residents until 6/73, which we then were given rights as citizens of the state of Connecticut, with full privileges as other people of the state.

On 3/3/76 Honorable Governor Ella Grasso sent a letter to Mr. Matthew Bulter's office of Revenue Sharing stating the Connecticut has recognized Indian Government bodies.
(copy attached)

I believe above testimony should qualify Golden Hill Tribe/Paugussett Nation as federally recognized Indians regardless of what hardships the federal government lays out as qualifications to be federally recognized.

From colonial times to present we believe we have the right to be federally recognized and not to be discriminated against. We ask only for our identity, services in education and health.

I have spoken, so shall it be:

Chief Big Eagle (Xingyehon)

Chief Big Eagle
Golden Hill Tribe/Paugussett Nation

Dempsey Hanley, Chairman
P. O. Box 948
Liberty, Tx 77575
713/336-3634

Victor Fain, Commissioner
P. O. Box 68
Nacogdoches, Tx 75961
713/364-8361

Jack Stallings, Commissioner
11200 Secorro Road
El Paso, Tx 79927
915/899-8714



TEXAS INDIAN COMMISSION

Walt Broemer, Executive Director
10611 Alston, Livingston, Tx. 77361
713/327-8388

Serving Texas Indians:
Alabama-Coushatta Indian
Reservation, Livingston
Tigua Indian Reservation
El Paso
Traditional Kickapoo Tribe
Eagle Pass
American Indian Center
Dallas
Dallas Intertribal Center
Dallas
American Indian Forum
Fort Worth
Intertribal Council
Houston

August 15, 1978

House Subcommittee on Indian Affairs
Congress of the United States
House Annex 1, Room 421
Washington, D.C.

REF: H.R. 12996

Dear Committee Members:

I wish to submit this written testimony on behalf of the Traditional
Kickapoo Tribe of Eagle Pass, Texas.

The same story prevails for the Traditional Kickapoos as over the past 146 years since they were removed from the Great Lakes Region by Army Order in 1832. The Congress giveth and the BIA taketh away. H.R. 12996 would enable the Traditional Kickapoos to apply for Federal Recognition but the BIA's Proposed Rules as published in the Federal Register as 25 CFR Part 54 would eliminate the hopes of recognition for the Traditional Kickapoos in Section 54.7 (f).

I offer in evidence for your consideration the attached letters of April 18, 1978 and June 23, 1978 to the BIA.

Please help the Traditional Kickapoos by requesting that the BIA re-write Section 54.7 (f) in such a way as to allow Federal Recognition for this forgotten Tribe.

Thank you for this consideration.

Sincerely,

Walt Broemer
By: m, o:

Walt Broemer
Executive Director
WB/md

cc: Senator James Abourezk
Senator John Tower
Senator Lloyd Bentsen
Congressman Charlie Rose
Congressman Abraham Kazen, Jr.

Dempole Hensley, Chairman
P. O. Box 368
Liberty, Tx 77575
713/236 3634

Victor Fain, Commissioner
P. O. Box 68
Nacogdoches, Tx 77961
713/564-8361

Jack Stallings, Commissioner
11200 Secor Road
El Paso, Tx 79927
915/859-8714



TEXAS INDIAN COMMISSION

Walt Breamer, Executive Director
1011 Alston, Livingston, Tx. 77351
713/327-5286

Serving Texas Indians:
Alabama-Coushatta Indian
Reservation, Livingston
Tigua Indian Reservation
El Paso
Traditional Kickapoo Tribe
Eagle Pass
American Indian Center
Dallas
Dallas Intertribal Center
Dallas
American Indian Forum
Fort Worth
Intertribal Council
Houston

June 23, 1978

Director
Office of Indian Services
Bureau of Indian Affairs
18th and "C" Street NW
Washington, D.C. 20245

ATTN: Federal Recognition Project

Gentlemen:

I have reviewed 25 CFR Part 54 published in the Federal Register on June 1, 1978, Proposed Rules for Federal Recognition of Indian Tribes and take only one exception. Section 54.7 (f) reads "The membership of the petitioning groups is composed principally of persons who are not members of any other North American Indian Tribe." This provision would be detrimental to the application by the Traditional Kickapoo Tribe of Eagle Pass, Texas.

Presently you extend Federal Recognition to two Kickapoo Tribes, the Oklahoma Kickapoos and the Kansas Kickapoos. The Traditional Kickapoo separated from these Tribes in the 1830's and moved to the Eagle Pass Area for religious freedom. Some are listed on the Oklahoma Kickapoo Tribal Roll without knowledge, consent or understanding of the meaning of Tribal Roll affiliations.

All Kickapoos in Texas consider themselves Traditional Kickapoos with no Tribal ties to the Oklahoma or Kansas Tribes. For over 140 years the Traditional Kickapoos have retained their Indian religion, culture and language through Tribal laws enforced by a strong Tribal Council form of local government. These people have a fierce pride in being a distinct individual Tribe even though they are in abject poverty as they speak no English, their children do not go to schools and they live in reed/stick houses cooking with open fires on dirt floors. Their annual per capita income is \$160!! In all my life, I have not seen a group of people in this great United States that need help more. If you say, let them go to Oklahoma for help, forget it. In the early 1900's the U.S. Army went to the Religious Grounds in Mexico to remove them to Oklahoma. They shot and killed a number of Kickapoos and captured some returning them to Oklahoma. Most of the Traditional Kickapoos escaped and today there are over 640 Tribal Members, mostly full bloods, living in the Eagle Pass/Nacimiento Area.

Therefore, in behalf of the Traditional Kickapoos, I would like to request that you amend Section 54.7 (f) and add "however, if a Tribe with their own

Local Government has lived separate from any other Tribe for more than a 100 years and do not claim membership on any other Tribal Roll, then the Secretary may waive the above rule and give special consideration to said Tribe for Federal Recognition.

Your consideration and assistance will be greatly appreciated by every Traditional Kickapoo Indian.

Sincerely,

Walt Broemer
Walt Broemer
Executive Director

cc: George Whitewater, War Chief
Traditional Kickapoo Tribal Council
Texas Indian Commission
Senator John Tower
Senator Lloyd Bentsen
Congressman Abraham Kazen, Jr.

Dempole Huntley, Chairman
P. O. Box 348
Liberty, Tx 77575
713/336-3434

Victor Fain, Commissioner
P. O. Box 68
Nacogdoches, Tx 75961
713/364-8361

Jack Stallings, Commissioner
11200 Source Road
El Paso, Tx 79927
915/859-8714



TEXAS INDIAN COMMISSION

Walt Broomer, Executive Director
1011 Ashton, Livingston, Tx. 77351
713/327-5285

Serving Texas Indians
Alabama-Coushatta Indian
Reservation, Livingston
Tigua Indian Reservation
El Paso
Traditional Kickapoo Tribe
Eagle Pass
American Indian Center
Dallas
Dallas Intertribal Center
Dallas
American Indian Forum
Fort Worth
Intertribal Council
Houston

April 18, 1978

Mr. John A. Shapard
Bureau of Indian Affairs
U.S. Department of the Interior
2609 Interior Building
Washington, D.C. 20245

RE: 25 CFR 54.6
Proposed Rules

Dear Bud:

It was a pleasure meeting you at the National Conference on Recognition of Indian Tribes in Nashville. I appreciate your understanding of the problems that Sub-section 54.6(c)(2) presents for the Traditional Kickapoo Tribe of Texas.

The Kickapoos were forced out of the Great Lakes Area by Army Order in 1832 and migrated to Kansas and Indian Territory in Oklahoma. The Missionaries tried to convert the Kickapoos to Christianity and for Religious freedom, the Traditional Kickapoos moved to the Fort Duncan Area of Texas and lived in what is now Eagle Pass, Texas and Nacimiento, Mex. In the early 1900's the U.S. Army went into Mexico to remove the Traditional Kickapoos to Oklahoma. They shot and killed a number of Indians and captured some of the Tribal Members returning them to Oklahoma. Most of the Traditional Kickapoos escaped and today there are over 640 Tribal Members, mostly full bloods, living in the Eagle Pass/Nacimiento Area.

Since the late 1830's until today, they have retained their Indian Religion, Language and Tradition. They speak no English, their children do not go to Public Schools, they do not use Public Hospitals, live in traditional straw houses and continue to maintain their Indian Laws through their Tribal Council form of Local Government.

Some have been entered on the Oklahoma Kickapoo Tribal Rolls. Most of the Traditional Kickapoos are unaware of the fact they are listed on the Oklahoma Kickapoo Roll but live 800 miles from that Agency and claim no allegiance to the Oklahoma Kickapoo Tribe. For 140 years they have maintained their identity of a distinct individual Tribe and wish to continue their Tribal Government.

Therefore, in behalf of the Traditional Kickapoos, I would appreciate your consideration of amending Sub-section 54.6(C)(2) to read as follows:

- (2) The membership of the petitioning group is composed principally of persons not members of any other Indian eligible for services from the Bureau as an American Indian Tribe. (add) provided, however, that if a petitioning group has maintained a separate Tribal Government and has lived

In a separate geographical area for more than 100 years but are carried on another Federally recognized Tribes' Roll, they would be eligible for separate Federal Recognition if such members relinquish enrollment within 90 days after final recognition of the petitioning group as an Indian Tribe entitled to receive Federal Services.

I have reviewed a copy of Tom Smithson's letter of April 11, 1978, and also feel that the Amendment should be carefully worded as not to eliminate any equally long standing separated Tribes.

Mr. Smithson's alternate proposal which states "and if the Indian Tribe of which they are members gives its consent, by Tribal resolution" is restrictive because the Oklahoma Kickapoo may be using Traditional Kickapoos for head count purposes and would not agree to withdrawal of membership.

Your assistance in amending this Sub-section in such a way that would not exclude the Traditional Kickapoos from Federal Recognition will be greatly appreciated.

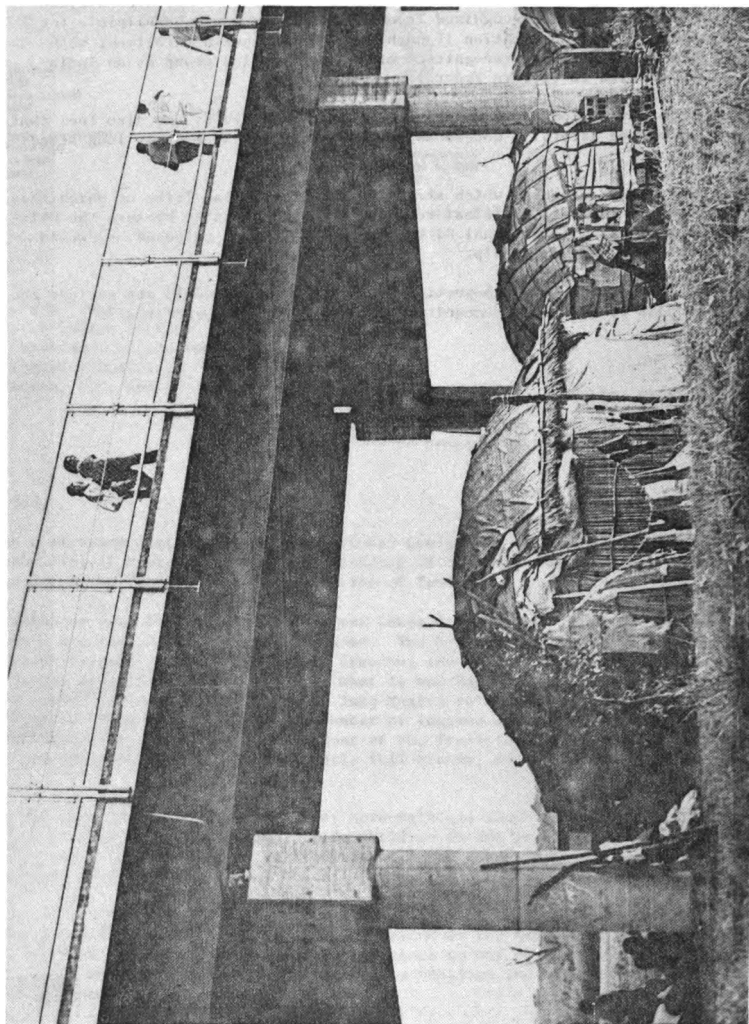
Sincerely yours,



Walter W. Broemer
Executive Director

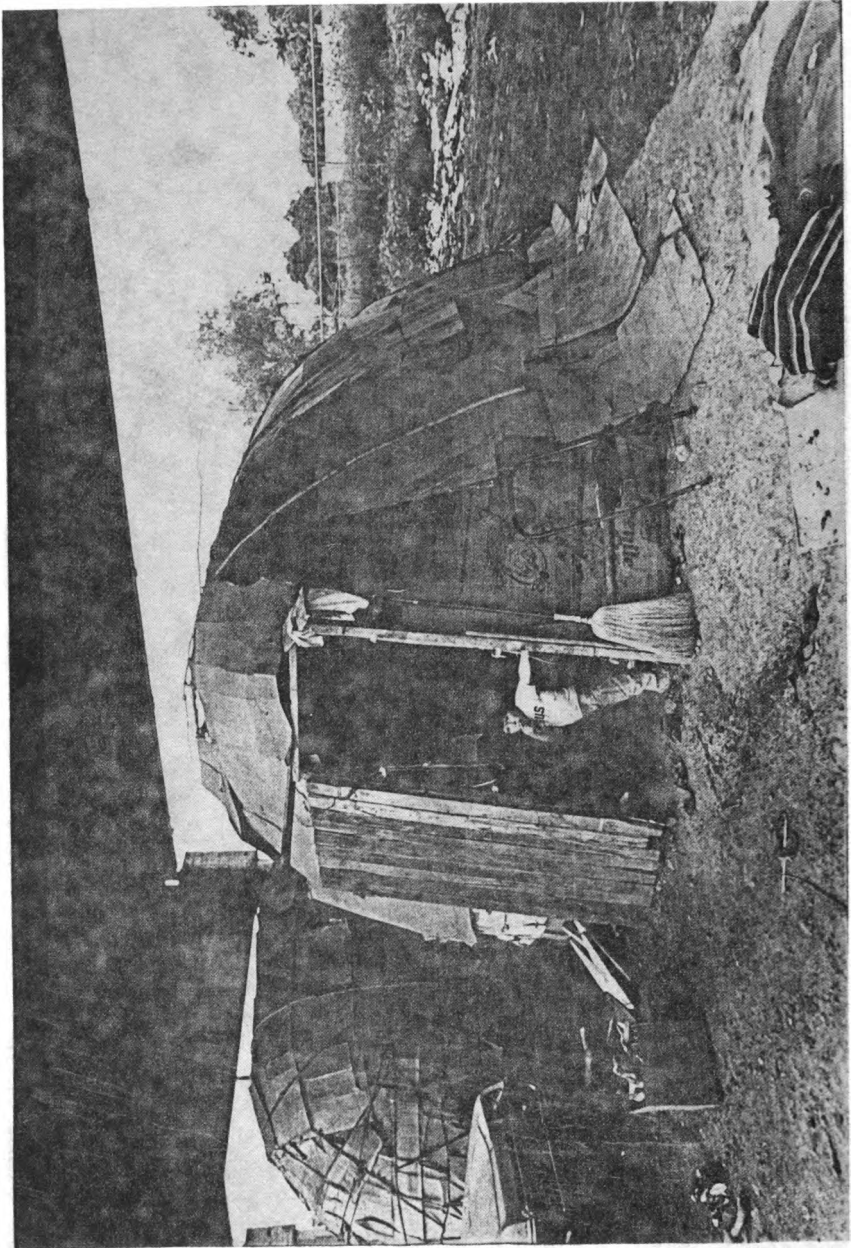
WWE/dd

cc: George White Water, War Chief
Traditional Kickapoo Tribal Council
Texas Indian Commission
Leslie N. Gay, Jr.
Jim Brown
Tom Smithson

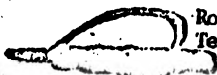


Living conditions for the Traditional Kickapoo Indians under the International Bridge at Eagle Pass, Texas. Average per capita annual income is \$160.





NANTICOKE INDIAN ASSOCIATION



Route 2, Box 107A, Millsboro, Delaware 19966
Telephone: 945-2400

August 16, 1978

Congressman Charlie Rose
218 Cannon House Building
Washington, D.C. 20515

ATTENTION: Andrea Turner

Dear Congressman Rose:

We, the Nanticookes of Delaware, wish to express our support for H.R. 12996. As we understand it, this bill would establish procedures and guidelines for Federal recognition of unrecognized Indian tribes and groups.

It is the position of the Nanticoke Tribe that there has been great need for this legislation. Our ancestors met Captain John Smith when he crossed the Chesapeake and landed in 1608. Our people were known as the "Nantaquakes" meaning the people of the tidewater and the name was later anglicized to the "Nanticookes." Since March 10, 1881 our tribe has been recognized in the state of Delaware. We have been incorporated under Delaware state law since 1922. We have always had chief and tribal council positions to serve as our governing body. Separate churches have been maintained by the Nanticookes from before 1867 through the present and our own Indian schools were run from 1850 to 1962. However, the schools only ranged to the eighth grade and from 1944 to 1960 thirty Nanticoke youths attended Haskell Institute in Kansas to receive higher education. Twenty-two of those students received high school diplomas and several graduates were employed by Haskell. A few still retain their positions there. The tribal status of the Nanticookes was the same in 1944 as it is presently and yet, six Nanticookes were recently denied admission to Haskell for a college education based on the fact that the Nanticoke Tribe is not Federally recognized. Although we have sent further communications to the B.I.A., we have not received additional explanations or assistance in this matter.

This is just one example of the neglect which unrecognized Indians have long suffered. We have always been a close-knit community and only wish to be recognized as such an Indian community by our own country, just as we are in our own state.

We currently receive funding under the Comprehensive Employment and Training Act - Title III, The Commission on Religion and Race, and the U.S. Office of Indian Education. Though the funding has been a great help to us, it cannot aid us in matters such as the one outlined on the previous page.

Therefore, we urge you to give your full support to the H.R. 12996 legislation as it is our hope to provide a secure future for our young Nanticokes by alleviating such unjust situations in the future. We ask that this letter be inserted into the record of the H.R. 12996 hearings.

Sincerely,

Kenneth S. Clark
Kenneth S. Clark
Chief

ESC:bed

cc: Senator Joseph R. Biden, Jr.
Senator William V. Roth, Jr.
Congressman Thomas Evans
Governor Pierre S. DuPont

**FOUR HOLE INDIAN ORGANIZATION
EDISTO TRIBAL COUNCIL**

ROUTE 3 - BOX 42-F - PHONE 803/871-2126 or 871-4641

RIDGEVILLE, SOUTH CAROLINA 29472

Chief

Robert Davidson

Vice Chief

Henry Sweet

Chairman

Engene Davidson, Jr.

Secretary-Treasurer

Angela Garcia

Ms. Andre Woods, Staff Assistant
c/o Honorable Charlie Rose
218 Cannon House Office Building
Washington, D.C. 20515

Attention: Ms. Andre Woods, Staff Assistant

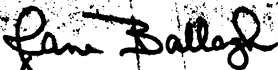
Dear Andre,

Enclosed is the statment which we would like to submit to the Subcommittee on H.R. 12996. Will you please see that it gets to the proper place.

I really enjoyed meeting you and all the CENA members on my first official trip to Washington. If you ever get down South, come by to see me and the Edisto Tribe.

Please keep us informed as to what's happening with this bill.

Sincerely yours,



Jane Ballagh
Community Administrator

JB/sd

Enclosures

August 17, 1978

STATEMENT TO BE PRESENTED

TO: The U. S. House of Representatives Subcommittee
on Indian Affairs and Public Lands

FROM: Jane Ballagh, Community Administrator *Jane Ballagh*
Four Holes Indian Organization, Edisto Tribal Council

SUBJECT: Indian Recognition Bill, H.R. 12996

The Four Holes Indian Organization is a Native American community about four miles southwest of Ridgeville, South Carolina, with a population of approximately 450. It is one of seven more or less interrelated communities of Indians in the South Carolina low-country. There are probably more than 1500 Indians actually residing in these seven communities, but many more are scattered out among the general population. These Indians are descendants of South Carolina's settlement Indians.

The Four Holes Indian Organization is chartered as a corporation under the laws of South Carolina. The membership is comprised of a mixture of Etiwan, Coosa, Edisto and Natchez tribes. The Chief and President of the organization is Mr. Robert L. Davidson. The organization is attempting to relate the several Indian communities to each other in order to strengthen their economic, educational and political position.

Presently, the Organization participates in a number of programs specifically designated for Indians. Some of them are: Title III of the Comprehensive Employment and Training Act (CETA), which provides job training opportunities for economically disadvantaged and unemployed Indian people; the Indian Education Program, funded under the Indian Education Act, Subpart A, which provides services for school aged Indian children; and a grant from the Department of Health, Education and Welfare, which provides Indian Adult Education. Therefore, we are recognized as Indians for some purposes, but not for others.

The Edisto Tribal Council supports the purpose and intent of H. R. 12996 and feel this legislation is long overdue. We feel it is necessary because there has never been a clear, consistent Federal policy regarding Federal recognition of Indian tribes. Recognition by the Federal government is essential to receive services provided by the Bureau of Indian Affairs and other Federal agencies.

August 17, 1978

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House Subcommittee on Indian
Affairs and Public Lands

However, we feel that Section 5 of H. R. 12996, as it is now written, imposes requirements which cannot be met by our tribe and many other tribes who are not recognized by the Federal government. Part of the reason for this is the Federal government's policies toward Indians in the past and the attitude of society. Many people have been forced to classify their race as "white" or "black"; "Indian" was not recognized. To require that we meet the criteria outlined in Section 5 would be very unjust.

We have not seen a copy of the new bill H. R. 13773, but it is our understanding that Section 5 is simplified in this bill. If this is true, we will fully endorse it and appreciate your support.

STEILACOOM TRIBE OF INDIANS

2212 A Street
Tacoma, WA 98402
(206) 272-0359

August 17, 1978

Teno Roncalio, Chairman
Subcommittee on Indian Affairs and Public Lands
House Annex 1, Rm. 421
Washington D.C.

Dear Mr. Roncalio:

This letter is written in support of the Indian Recognition Bill, H.R. 12996. The Steilacoom Indian Tribe feels that H.R. 12996, and its companion Senate Bill, S. 2375 can provide us with the means to have our existence as Indian Tribes finally affirmed by the United States government.

We have, for a long time, sought full federal recognition of our status as an Indian tribe. In the course of this struggle, the federal agencies responsible for the administration of Indian policy have continually neglected our rights. Our tribe has been forced into a position of great vulnerability. Our culture has been suppressed and our treaty rights undermined. As an ultimate insult, federal officials have in the past, refused to help us saying that there is no administrative procedure for them to use in granting us the basic recognition of our rights under federal law. Your bill is the most comprehensive attempt which has ever been made to correct this continuous and egregious assault on the rights of Indian Tribes. We find that objections raised in opposition to this bill are unfounded.

The understandable concern of recognized tribes that their funds should not be decreased when additional tribes become recognized is certainly answered by H.R. 12996, section 2 (a) (4) which says, "Such congressional action shall not entail a diminishment of services and assistance to those tribes whose existence is already acknowledged;" and section 4(i) which provides an additional safeguard for the financial interests of recognized tribes. No governmental action could go farther toward protecting the financial base of recognized tribes than those provisions of H.R. 12996 if enacted into law.

The concern expressed by some that recognition of the rights of unrecognized tribes would somehow diminish the rights of recognized tribes is based on ignorance. The unrecognized tribes have endured the same assaults which all tribes have endured. In some cases, they have exercised their rights even more firmly than their recognized brothers have been able to. There are no real differences between recognized and unrecognized tribes. The only factor separating tribes is the federal government's arbitrary and inconsistent policy.

There are people who express the concern that there must be rigid standards for recognizing tribes, and at the same time oppose the Senate and House bills. Yet there has never been a more comprehensive or detailed set of criteria than that contained in the bill. Section 5 (a) lists identifying factors which can only be met by genuine Indian tribes. The bill would not allow non-Indians access to Indian money. Each group would have to meet the bill's stand-

ards in order to be recognized as an Indian tribe, so it is absurd for critics to say the bill could grant "wholesale" recognition. The bill presents a clear, firm method with safeguards to consistently determine that all Indian tribes will receive the rights, protection, and services which they are justly entitled to.

Furthermore, it is important to point out that the bill would not diminish services which ANA (ONAP), CETA (DOL), HUD, and other agencies direct to Indian communities who choose not to identify themselves as tribes nor to seek federal recognition as tribes.

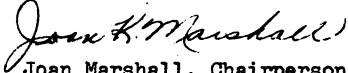
An additional objection, that the bill actually impedes federal efforts to recognize tribes, could not be further from the truth. The bill primarily addresses those tribes whose struggles for recognition have been longstanding and are now well known. We are familiar with the Catch-22 obstacles that have always been used to frustrate the honest efforts of our leaders. Tribes without lands have been told they must have Indian land; tribes which had Indian land have been told they must have trust land; tribes with trust allotments have been told they must have tribal land. In areas where Indian governments were illegal tribes have been told they must have exercised governmental authority. Where tribal customs and religions had been suppressed by non-Indian people, the United States has required tribes to speak their native languages and demonstrate their aboriginal ceremonies. Finally, some tribes have found that when they are officially "recognized" their rights are not fully protected. For the tribes, the struggle for recognition is like jumping through one hoop after another; and for the

bureaucrats, recognition is a shell game where none of the shells contain a prize.

The Interior Department's Draft Regulations do not attempt to understand the situation facing unrecognized tribes not the historical circumstances which have brought the situation into existence. Their object is simply to allow wide bureaucratic discretion and to simplify administration of Indian programs without regard to Indian rights.

You have our full support as you stand firm in the defense of our rights and as you promote H.R. 12996.

Sincerely,


Joan Marshall, Chairperson
Steilacoom Indian Tribe

Aug 5, 1978
July 18, 1978

"To U. S. Senate,"

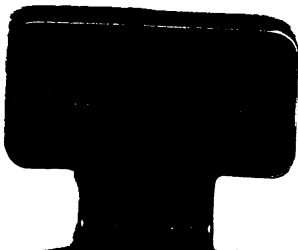
I am a Member of Tuscarora Tribe
And I want to be recognized as an
Indian. We need your support in
gaining recognition for all Tuscarora
members. We have worked so hard with
Mr. Vernon Locklear who is the Chairman
of Tuscarora Tribe for 8 years we
have been in a struggle to gain
recognition and it seems like there is
no one where ~~Indian's~~ in Robeson
County to turn to for help so this is
why I am writing to you I feel like
with the help of your support that we
can gain recognition which we have
been fighting for so long. So please help
us in this as achieving recognition.
And I will appreciate it Very Much.

Mrs. Vernon Locklear.
Route 3 Box 047-A
Montez NC 28364

UNIVERSITY OF MICHIGAN



3 9015 07870 7711



July 10, 1904

My dear Mr. [unclear]
I am a slave of Tennessee. I
and I want to be recognized as
[unclear] the past year [unclear] in
gaining recognition for all Tennessee
men. We have worked so hard with
Mr. [unclear] [unclear] who is the Chairman
of Tennessee Tribe for 8 years we
have been in a struggle to gain
recognition and it seems like there is
no one who will help us. [unclear]
[unclear] to help us. [unclear] help so this is
why I am writing to you. I feel like
and the help of you [unclear] that we
are now [unclear] [unclear] we have
been fighting for so long. [unclear] help
to be in the [unclear] [unclear]
and it will [unclear] I [unclear]

